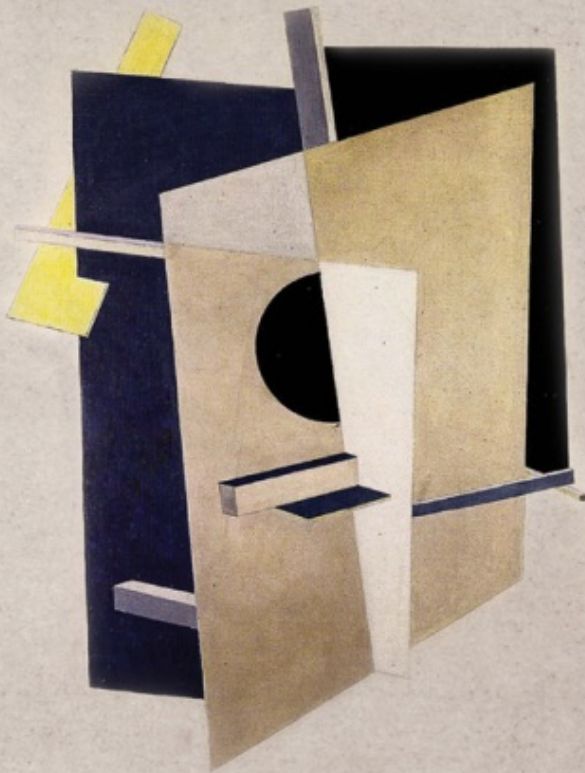


Organized Crime

Analyzing Illegal Activities, Criminal Structures,
and Extra-legal Governance



Klaus von Lampe



von Lampe, K. (2016).
Organized Crime: Analyzing
Illegal Activities, Criminal
Structures, and Extra-legal
Governance. Thousand Oaks,
CA: Sage.

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Analyzing Illegal Activities, Criminal Structures,
and Extra-legal Governance.

Klaus von Lampe

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SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
3 Church Street
#10-04 Samsung Hub
Singapore 049483

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Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Lampe, Klaus von, 1961-
Organized crime : analyzing illegal activities, criminal structures, and extra-legal governance / Klaus von Lampe.

Cover image: El Lissitzky, Proun 6, 1919/20, oil on canvas (original: Kunstmuseum Moritzburg, Halle/ Saale, Germany)

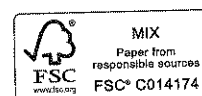
pages cm
Includes bibliographical references and index.

ISBN 978-1-4522-0350-8 (pbk. : alk. paper)

1. Organized crime. I. Title.

HV6441.L36 2016
364.106—dc23 2015006464

This book is printed on acid-free paper.



15 16 17 18 19 10 9 8 7 6 5 4 3 2 1

Acquisitions Editor: Jerry Westby
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Proofreader: Dennis W. Webb
Cover Designer: Anupama Krishnan
Marketing Manager: Terra Schultz

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Preface

This book provides a systematic overview of the processes and structures commonly labeled organized crime, drawing on the empirical and theoretical literature on the subject from a broad range of academic disciplines, including criminology, sociology, economics, and political science. The book is global in scope in that the discussion is not limited to any specific country or region in the world, although it incorporates insights and findings mainly from scholars based in North America, Europe, and Australia.

This book is not supposed to be just another text on organized crime. Conventional textbooks on organized crime are primarily descriptive. They are structured along the lines of particular criminal groups and areas of crime, and they incorporate theory primarily in terms of established criminological theories. Classifications tend to be based on superficial criteria, such as the ethnic make-up or the geography of criminal groups, while neglecting underlying similarities and differences. In so doing, these texts fail to take account of the increasing level of sophistication the study of organized crime has attained globally as a serious scientific, multidisciplinary endeavor in terms of conceptualization, theorizing, and empirical research.

In contrast to the existing textbook literature, this book adopts a more analytical approach by placing the main emphasis on underlying patterns and dynamics that transcend any specific historical manifestations of organized crime. It seeks to lay out a general conceptual and analytical framework that captures the multifaceted and dynamic nature of the organization of crime and criminals across different social, economic, and political contexts.

Throughout the book, notorious and less well-known cases are examined in detail to provide concrete empirical reference points for the discussion. No attempt is made to comprehensively and exhaustively describe all past or current organized crime phenomena. Empirical manifestations of organized crime are described in detail only selectively and only insofar as they represent prototypical or ideal-typical examples that serve to illustrate particular dimensions and categories. However, readers will find references to further academic literature that deals with aspects that are given only scant attention in this book.

The structure of the book is such that the complexities of the phenomena labeled organized crime are broken down into key dimensions and categories. The book follows a distinction of three basic dimensions: (a) illegal activities,

(b) patterns of interpersonal relations that are directly or indirectly supporting these illegal activities, and (c) overarching illegal power structures that regulate and control illegal activities and the individuals and groups involved in these activities. Organized crime phenomena are examined along these lines, first in their own right and then in a broader societal and transnational context, particularly with a view to the relation between underworld and upper-world, a relation that may take on the form of confrontation, accommodation, or integration.

The Purpose of the Book

This book is intended as the core text for courses on organized crime and transnational crime on the undergraduate, graduate, and post-graduate levels. Beyond classroom use, this book is meant to serve as a reference and guide to the academic literature on organized crime for academics, intelligence analysts, law enforcement officials, policymakers, and the general public.

The starting point for this book is the assumption that organized crime is not something that lends itself easily to scientific scrutiny. It is not a coherent empirical phenomenon but first and foremost a construct, reflecting social reality as much as the emotions, prejudices, and ideologies of those involved in the construction process. Scholarly efforts have aimed at disentangling the web of imagery associated with organized crime. They have contributed to a better understanding of the underlying phenomena and have shed light on some intricate links that justify placing these diverse phenomena in a broader theoretical context. While there is little overall consistency in the research conducted within this broad field, there are certain clusters of research that have contributed to a cumulative body of knowledge around certain themes, such as illegal enterprise, certain historical phenomena, such as the Sicilian and American Cosa Nostra, or certain methodological approaches, such as criminal network analysis.

The book presents this research within a coherent framework to help readers achieve three goals:

- To understand the categorical differences and similarities between the various phenomena associated with the term organized crime in order to avoid comparing apples and oranges
- To understand the way these phenomena manifest themselves empirically in order to separate myth from reality
- To understand the various theoretical propositions that on different levels of abstraction and within different frames of reference explain key aspects of organized crime in order to gain a sense of what matters more and what matters less in the organization of crime and criminals

The ultimate goal of the book is to provide readers with an analytical toolkit that enables them to critically assess and to put into perspective any organized crime phenomena or any depictions thereof and to formulate meaningful questions for further inquiry.

The Content of the Book

Any endeavor intended to contribute to a better understanding of organized crime is faced with two considerable challenges. The first challenge is to emancipate the audience from stereotypical and mythical imagery created and promoted in the media and—unfortunately—also in some of the academic literature. The second challenge is to overcome the confusion that stems in part from the diversity of conceptualizations in the public and scholarly debate on organized crime and in part from the diversity of the empirical phenomena that are associated with organized crime.

The book addresses these challenges with its emphasis on a comprehensive classificatory scheme and consistent terminology, which encompasses aspects that otherwise might be addressed only in an unsystematic, anecdotal way, only in passing or not at all. These issues include individually and in context the following:

- The modus operandi and logistics of criminal activities
- The individual offender characteristics
- The structure and dynamics of the organization of offenders
- The structure and dynamics of the organization of criminal milieus
- The interrelations between criminal activities and criminal structures and the broader social, cultural, political, and economic environment

The book is divided into 14 chapters grouped into four parts. Part I lays the foundation with an introduction (Chapter 1), an examination of the conceptual history and definition of organized crime (Chapter 2), and an overview of the history and the main currents of the scholarly study of organized crime (Chapter 3). Part II examines empirical manifestations of organized crime in terms of illegal activities, criminal structures, and extra-legal governance (Chapters 4–8). Chapter 4, against the backdrop of two case studies (cocaine trafficking and the trafficking in stolen motor vehicles), examines categorical differences between market-based, predatory, and illegal governance crimes and presents frameworks for the in-depth analysis of specific criminal endeavors. Chapter 5 gives an introduction to the analysis of criminal structures. Taking pedophile networks as an empirical point of reference, it discusses for what purposes and under what circumstances criminals establish and maintain ties to other criminals. Key points that are addressed include the differentiation of criminal structures by function (entrepreneurial, associational, and quasi-governmental structures) and by form (markets, networks, and hierarchies) and the role that trust and violence play in interactions between criminals. Chapter 6 continues the examination of fundamental questions about the organization of criminals, with a focus on illegal entrepreneurial structures. Starting with a case study of a cocaine distribution enterprise, the chapter discusses how and why structures that are geared toward obtaining material benefits vary and to what extent illegality imposes restraints on the organization of criminals. Chapter 7 deals with a central element of the popular imagery of organized crime, associations of criminals like the Italian mafia-type organizations. Case studies of the Sicilian Mafia, of the Chinese

triads, the post-Soviet Thieves in Law, and as an example of outlaw motorcycle gangs, the Hell's Angels illustrate the various social, noneconomic functions that these structures perform for their members. Chapter 8 examines two essential forms of the concentration of power within the sphere of illegality that are often confused: illegal market monopolies and illegal monopolies of violence. The chapter discusses similarities and differences between legal and illegal markets with respect to the processes and consequences of monopolization. It also provides an overview of illegal governance structures that regulate and control illegal entrepreneurial activities in a territory or market. American Cosa Nostra families are presented as a prime example for elaborate quasi-governmental structures within the underworld. Part III places the various empirical manifestations of organized crime in a broader context. Chapter 9 explores the social embeddedness of criminals, criminal activities, and criminal structures with respect to two main questions, to what extent organized crime can be explained by the public demand for illegal goods and services, and to what extent organized crime is rooted in particular segments of society. Chapter 10 focuses on the relationship between organized crime and the legal economy with a view to criminal influence on individual businesses as well as on entire business sectors. Chapter 11 deals with the relationship between organized crime and the state. It presents historical examples of alliances as well as of violent confrontations between underworld and upperworld in the United States, Mexico, Colombia, Russia, and Italy. Chapter 12 investigates how crimes and criminals are organized on an international level and in cyberspace. Part IV of the book brings all the various aspects together that are discussed in the preceding chapters, first by sketching a "big picture" of organized crime (Chapter 13) and then by reviewing the various countermeasures that have been adopted to combat and prevent organized crime (Chapter 14).

It goes without saying that a subject as complex as that of organized crime cannot be exhaustively addressed in one book. Even the aspects that are covered in this book would lend themselves to more in-depth examination. Placing the main focus on the academic literature means that little use is made of the vast body of journalistic and official reports on organized crime. But even the coverage of the scholarly research and writing is far from complete. First of all, the book does not follow the study of organized crime in all of its ramifications. For example, with a wide audience in mind, the more sophisticated levels of criminal network analysis and the kind of abstract modeling of organized crime to be found on and off in economics journals have been consciously excluded from discussion. Second, there are practical and intellectual limits to the volume of literature that can be identified and meaningfully processed for presentation within one coherent framework. While it is true that not everything that has been published is worth citing, the author's own limitations are the main reason why some academic work does not find proper mention. In this sense, the book is no substitute for an independent exploration of the ever-growing body of literature on organized crime. The ambition behind the book is that it can serve as a key to the study of organized crime as a serious scientific endeavor.

Acknowledgments

With *Organized Crime: Analyzing Illegal Activities, Criminal Structures, and Extra-legal Governance*, I have tried to write the kind of book I would have liked to read when I started getting interested in the topic of organized crime more than 20 years ago. I am deeply indebted to a number of great scholars who have supported and encouraged me along the way and who have willingly shared their knowledge and wisdom, namely James O. Finckenauer, Henner Hess, Per Ole Johansen, Ulrich Eisenberg, Marcus Felson, Michael Levi, Alan Block, Dick Hobbs, James B. Jacobs and, last but not least, Petrus C. van Duyne. In the past two decades I have also been influenced by many of the organized crime scholars of my own generation, namely Peter Klerks, Edward Kleemans, Arthur Hartmann, Carlo Morselli, Letizia Paoli, Tom Vander Beken, Jeff McIlwain, Dina Siegel, and Federico Varese.

Most of the literature used for writing this book was accessed through the Lloyd Sealy Library at John Jay College of Criminal Justice in New York and through the Don M. Gottfredson Library at Rutgers University in Newark, New Jersey, with the notable help of Phyllis Schultze.

The work on this book began in 2010 after Patrick "Pat" Collins, then interim chair of the Department of Law, Police Science and Criminal Justice Administration at John Jay College, introduced me to SAGE's Jerry Westby, who would guide me through the publication process with a gentle yet firm hand.

The writing of the book manuscript extended from July 2011 until February 2015, and during this time I profited greatly from the support I have received throughout the years from my colleagues and from the administration at John Jay College. I would like to thank in particular Serguei Cheloukhine and Lior Gideon as well as Maria "Maki" Habersfeld, all of whom were central to my decision to relocate to the United States and to find a new academic home at John Jay College.

I also owe a great deal to the John Jay students in my organized crime, comparative criminal justice, international criminal justice, and criminology classes, in particular Magdalena Rysiejko, who helped me with an initial review of the literature on countermeasures against organized crime (Chapter 14), and Kathryn Kikendall, who reviewed the literature on the Chinese triads (Chapter 7).

Valuable feedback was received from James B. Jacobs, Kathryn Kikendall, and Marin Kurti, who read parts of the manuscript, and from Edward Kleemans and Carlo Morselli, who gave me insightful comments on the first complete draft of the book. I am also grateful for the advice received from the official

reviewers of the prospectus and of various batches of draft chapters of this book. The following scholars have served as reviewers:

Dennis Anderson (St. Cloud State)
 G.S. Bajpai (National Law Institute University, Bhopal, India)
 Thomas Baker (University of Scranton)
 Kevin Cannon (Southern Illinois University)
 Joseph Carlson (University of Nebraska at Kearney)
 William Cleveland (San Jose State University)
 William Daddio (Georgetown University)
 Patrick Dunworth (Central New Mexico Community College)
 Lisa Eargle (Francis Marion University)
 Rob Hornsby (University of Northumbria)
 Richard Inscore (Charleston Southern University)
 Joseph Jaska (Saginaw Valley State University)
 S. Kris Kawucha (University of North Texas)
 Andrea Lange (Washington College)
 Robert Lombardo (Loyola University Chicago)
 David MacDonald (Eastfield College)
 Richard Mangan (Florida Atlantic University)
 Paul Margo (Ball State University)
 Abu Mboka (California State University at Stanislaus)
 Mark Mills (Glennville State College)
 Jerome Randall (University of Central Florida)
 Paddy Rawlinson (London School of Economics & Political Science)
 Tim Robicheaux (Penn State)
 Gary Smith (University of Nebraska at Kearney)
 Simon Sneddon (University of Northampton)
 Federico Varese (Oxford University)
 Gennaro Vito (University of Louisville)
 Richard Wiebe (Fitchburg State University)
 Robert Wright (Lewis University)

While the book primarily draws on the existing scholarly literature, I have also profited greatly from conversations I have had over the years with many experts from the ranks of the police, customs services, prosecutor's offices, and intelligence services in Europe and North America and also from the numerous conversations with "organized criminals" whom I have met under different circumstances and in different capacities, as political activist, attorney, and researcher. Florian Chaghomy and Manuel Weber navigated me through many encounters with members of the German underworld and discussed with me the organization of crime and criminals.

Marin Kurti deserves particular mention as the one who shouldered many of the burdens that have come with the research projects on the illegal cigarette trade that we have pursued parallel to me writing this book.

Finally, I owe immeasurable gratitude to my wife Claudia and my children Caroline and Richard, who had to share the precious little time we have had together with the project of writing this book.

Klaus von Lampe
 New York City, March 2015

About the Author

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PART I



Organized Crime as a Construct and as an Object of Study

CHAPTER 1



Introduction—The Study of Organized Crime

The study of organized crime encompasses the examination of a broad range of phenomena. In a nutshell, researchers try to find out three things:

- How and why crimes such as, for example, drug trafficking or serial burglary are committed
- How and why criminals are connected and organized in networks, gangs, syndicates, cartels, and mafias
- How and why criminals acquire power and use this power to control other criminals and to gain influence over aspects of legitimate society, namely business and politics

This book discusses answers to these questions within a general conceptual framework that is not tied to any particular case, country, or historical period. The ambition is to provide readers with the analytical tools necessary to come to a sound assessment of phenomena irrespective of when or where they may manifest themselves. While the book is global in scope, most of the referenced literature has been published in English by European, North American, and Australian authors. Accordingly, the discussion is somewhat narrowed to the phenomena that these authors have examined, which unfortunately leaves some parts of the world not receiving the level of attention that they deserve.

PHENOMENA ASSOCIATED WITH ORGANIZED CRIME

The term *organized crime* is not used consistently. When people speak of organized crime they have different things in mind. And even when they think of the same phenomena, they may have different ideas about what it is that makes organized crime distinct: Is it the organization of crime, the organization of criminals, or the exercise of power by criminals?

The Organization of Crime

Much of what is commonly associated with the term *organized crime* has to do with the provision of illegal goods and services. Certain goods and services are prohibited (e.g., child pornography), so strictly regulated (e.g., drugs), or so highly taxed (e.g., cigarettes) that suppliers and consumers seek ways to circumvent the law. Arguably the drug trade is currently the main problem of this kind globally. There are few if any countries in the world today that are not in some way or other affected by the production, smuggling, and distribution of substances, such as cocaine, heroin, and methamphetamine. Other crime problems of a global dimension are, for example, the trafficking in humans for sexual exploitation and for labor exploitation, illegal arms trafficking, and the trafficking in counterfeit luxury goods and pharmaceuticals. All of these illegal markets change over time. Some laws that criminalize certain products or behaviors are repealed while new products and behaviors are outlawed. Famously, the production and sale of alcohol, including beer and wine, was illegal in the United States during the Prohibition Era, from 1920 until 1933. Gambling, considered the main line of business of organized criminals in the United States in the 1940s through the 1970s, has likewise seen a shift from criminalization toward legalization. The urban poor, who once placed bets on daily numbers with an illegal lottery in their neighborhood, now buy tickets from state-run lotteries. Prostitution, a crime in most of the United States, has only recently been decriminalized in some countries (e.g., Germany) while new criminal laws against prostitution, targeting customers rather than prostitutes, have been passed at about the same time in other countries (e.g., Sweden). Consumer preferences follow the ebbs and flows of fashion, shifting, for example, between different kinds of illegal drugs. The successes and failures of law enforcement shape illegal markets in their own way. For example, the successful interception of marijuana smuggled from Colombia to the United States in the 1970s promoted a shift to the smuggling of a far less bulky illegal substance: cocaine.

Organized crime is not only associated with the supply of illegal goods and services but also with predatory crimes, such as theft, robbery, and fraud. In fact, when the term organized crime first came in use in the mid-1800s in colonial India, it referred primarily to gangs of highway robbers. Likewise, the first consistent use of the term organized crime in the United States around the year 1920 was linked to theft and robbery much more than to illegal gambling or, for that matter, the illegal sale of alcohol (see Chapter 2).

All of these illegal activities, be they centered on supplying willing customers or harming innocent victims, have in common that they can be carried out in a more or less “organized” fashion. Organized in this context means that crimes are committed on a continuous basis involving planning and preparation as opposed to impulsive, spur-of-the-moment criminal acts. Organized can also mean that a crime is not a simple, one-dimensional act, like the snatching of a purse, but an endeavor that requires the coordinated completion of interlocking tasks. For example, the trafficking in stolen motor vehicles may involve the combination of such tasks as overriding the car-door lock with a special tool, manipulating the board computer of the car using illegally obtained servicing

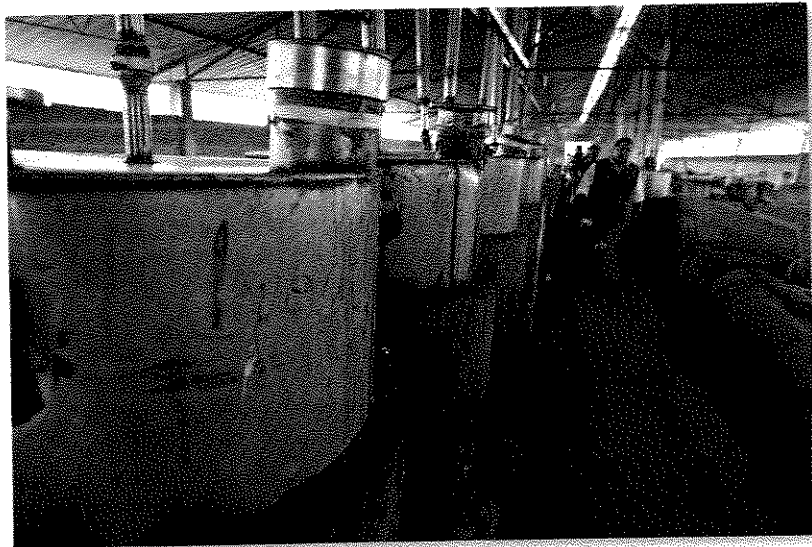


Image 1.1 A large clandestine laboratory for the production of methamphetamine discovered at a ranch near Guadalajara in Mexico in May 2011. Authorities found 1,000 kg of crystal meth and hundreds of bags of sodium hydroxide, a chemical used for the production of methamphetamine.

Photo: ©STRINGER/MEXICO/Reuters/Corbis

software, replacing identifying marks on the car, and forging the accompanying documents (see Chapter 5).

The organization of crime does not necessarily imply that more than one offender is involved. But the cooperation of several criminals will tend to make the commission of crimes easier as the scale and complexity of an operation increases. Simply put, four or five persons can rework a stolen car or unload contraband from a 40-foot container much quicker than a single person. Likewise, a group of four or five criminals is more likely than any individual criminal to combine the skills, expertise, and capital necessary to steal a car and to change it into a seemingly legitimate car or to set up an investment-fraud business or an illegal drug laboratory. This is one of the reasons why not only crimes but also criminals are organized.

The Organization of Criminals

A law-abiding citizen who fantasizes about committing a crime will likely envision him- or herself acting alone in complete secrecy, without letting anyone in on the crime and, accordingly, without being able to draw on the help and support of anyone. The world of crime that the term organized crime relates to is quite different from this image of a lone offender. The world of organized crime is populated by criminals who know other criminals, who socialize with

other criminals, who commit crimes with other criminals, and who quarrel with other criminals. Above and beyond that, these criminals may well be known as such in their communities. The term organized crime conjures up images of gangsters like Al Capone, who are public figures, who hold respect because of the wealth and power they have accumulated from crime. Often the problem for law enforcement is not to find out who the organized criminals are but to link them to specific, indictable offenses.

One of the main challenges in the study of organized crime is to sort through the myriad social relations of criminals and to understand how these relations influence and shape criminal behavior. What may be most readily associated with the organization of criminals are criminal groups that are centered on the commission of particular crimes. A classic example is that of the “working groups” of pickpockets and con artists described by criminologist Edwin Sutherland (1937) in his book *The Professional Thief*. A working group of, for example,

pickpockets, comprises perhaps two to four members who collaborate according to their individual abilities. Some of these groups disband quickly; others continue to exist for many years. And there may be some fluctuation in membership, with some criminals constantly moving from one group to the next.

Another now classic example of working groups of criminals is that of the Colombian drug trafficking organizations that dominated the global cocaine trade in the 1980s and early 1990s. A handful of organizations, each with about 100 to 200 full-time employees, managed much of the processing of cocaine in clandestine laboratories and the smuggling of the cocaine from Latin America to markets in the United States, Europe, and elsewhere. Some organizations had set up “cells” within destination countries, namely, in the United States, to also handle the wholesale distribution of the cocaine. Under the leadership of notorious kingpins like Carlos Lehder and Pablo Escobar in Medellin and the Rodriguez Orejuela brothers in Cali, these organizations had quite elaborate internal structures with separate branches for handling specialized tasks apart from the core functions of drug trafficking, including security, counterintelligence on state anti-drug efforts, and the laundering of drug profits. In many instances, the large drug trafficking organizations drew on a host of smaller groups and freelancers on a regular or ad hoc basis to transport

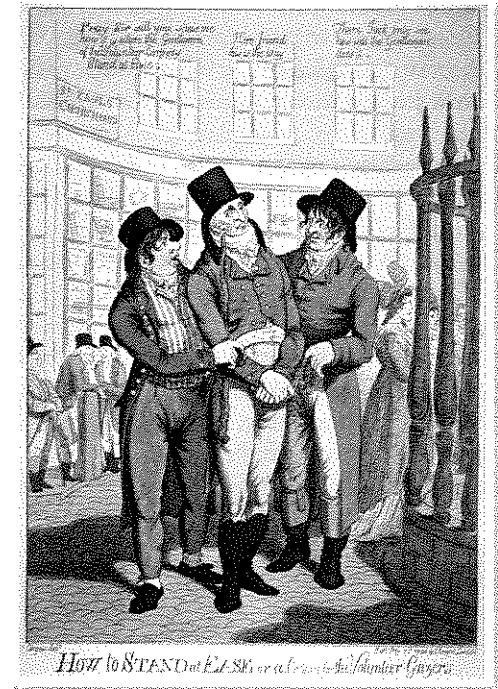


Image 1.2 Two pickpockets in action in early 19th century London. After C. Williams, scene in St. Paul's Churchyard.

Photo: © Heritage Images/Corbis

precursor chemicals and drugs, launder money, or to carry out contract killings (Kenney, 1999a; Zabłudoff, 1997).

Professional thieves, drug traffickers, as well as other criminals form and join working groups essentially to make money, and, as Sutherland (1937, p. 28) points out, they may not even speak socially to one another. Apart from these businesslike, crime-focused criminal groups, criminals are connected in other ways that have more to do with social aspects, with crime as a lifestyle, and less with crime as a profession. There is, first of all, what is commonly referred to as the *underworld*, an often idealized criminal subculture with its own rules and its own slang, a community of criminals separated from mainstream society, although many links to the *upperworld* may exist. The underworld is a historical phenomenon that is closely linked to urbanization and to the lower-class quarters of large cities like Berlin, London, or Shanghai (Hobbs, 2013). The underworld materializes in the bars, clubs, and other hangouts where criminals meet, socialize, and gossip. It is here that criminals receive advice, recognition, and support, and it is here that they find accomplices and hatch their plots (McIntosh, 1975,



Image 1.3 Yakuza is a generic term for an assortment of Japanese criminal associations that are independent but share the same subcultural norms and values. In this 1993 picture a Yakuza member shows his hands with two fingers cut off. The practice of amputating fingers, called *yubitsume*, can be a form of punishment or a way to show atonement for wrongdoing in hope of avoiding more severe punishment. *Yubitsume* may also serve as a demonstration of one's sincerity in settling a dispute (Hill, 2003, pp. 74–75).

Photo: TWPhoto/Corbis

p. 24). Not just anyone who commits crimes is automatically part of the underworld. One has to be accepted as a more or less capable and trustworthy criminal (Fordham, 1972, p. 23). The underworld as a subculture of hundreds, thousands, or even tens of thousands of criminals has no formal structure, yet what has often been described is an informal status hierarchy. Some criminals garner more respect than others because of their personality, skills, or wealth; because of their notoriety in the media; or because of their connections to even more influential persons in the underworld and in the upperworld. Lower-status criminals tend to cluster around these higher-status criminals for support and protection and to increase their own standing within the underworld (see, e.g., Albin, 1971; McIntosh, 1975; Rebscher & Vahlenkamp, 1988).

There are other, much more cohesive and more formalized amalgamations of criminals than the rather amorphous urban underworlds: the clannish criminal fraternities that are at the very center of the mythology surrounding the subject of organized crime, organizations like the Sicilian Mafia, the Calabrese 'Ndrangheta, the Neapolitan Camorra, the North American 'Cosa Nostra, the Chinese triads, the Japanese yakuza groups, or the post-Soviet Thieves in Law. All of these groups have their own rituals, symbols, and ideologies, and they have been in existence over many generations. Some trace their history back to medieval times. Sicilian mafiosi, for example, see their origins in an uprising against foreign oppressors in the 13th century (Arlacchi, 1993), and the yakuza place themselves in the tradition of Japan's ancient warrior class of the samurai (Hill, 2003). By their own accounts and in the perception of others, these organizations constitute criminal elites. Being accepted into their ranks is what many criminals strive for and what may carry with it an enormous boost in prestige and power. That the myth and reality of these criminal organizations do not always match is a different matter.

The Exercise of Power by Criminals

Criminal fraternities like the Sicilian Mafia or the North American Cosa Nostra can be found in a role other than that of just inwardly looking clannish, secretive combinations of criminals. One meaning of the term organized crime is that crime in a specific area is under the control of a particular group of criminals, such as a branch of the Sicilian Mafia or of the North American Cosa Nostra. In a situation like this, criminals are not free to commit any crime. They need permission from the ruling criminal group. Certain crimes may not be tolerated because they go against the moral convictions of those in power or because these crimes may attract unwanted attention by the police—for example, street robberies or dealing hard drugs like heroin. As a result, neighborhoods under the control of a criminal group, ironically, can have relatively low crime rates (Marshall, 2013). The criminals who are allowed to operate in a controlled area may have to share some of their profits in the form of what in the U.S. underworld is called a "street tax" (Lombardo, 2013, p. 161). One of the facets of organized crime, then, is to bring a level of order to crime and criminals in some form of an underworld government. At the same time, the power that criminals exert may well extend into the upperworld.

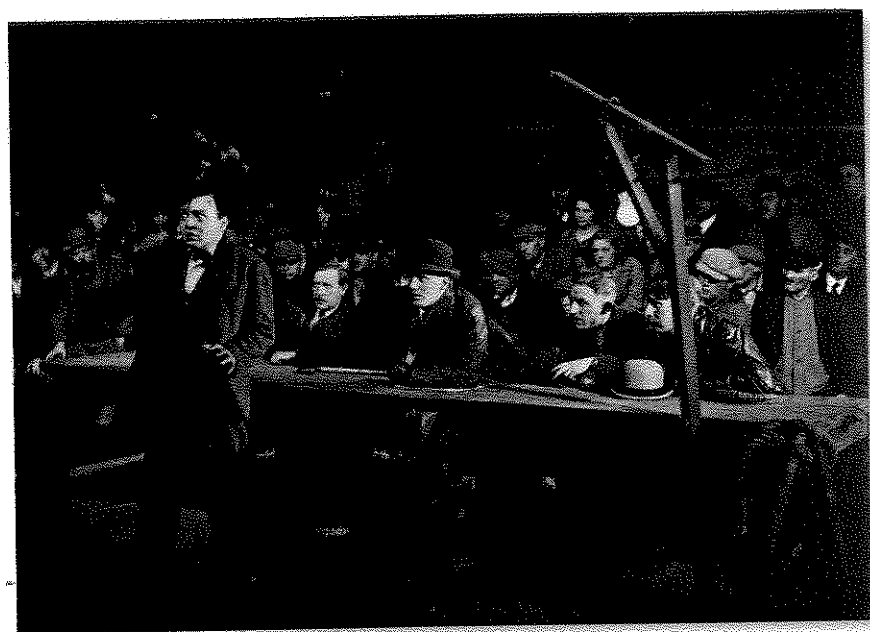


Image 1.4 In the 1931 German film classic “M,” directed by Fritz Lang and said to be based on a true story, criminals impart their form of justice to another criminal. A child murderer (Peter Lorre, left) stands trial before a panel of the most powerful members of the underworld. Some of the extras in the film reportedly were real criminals who had been hired under the threat that otherwise the filming would be sabotaged (Hartmann & von Lampe, 2008, p. 108).

Photo: © Photos 12 / Alamy

Of course, there are many organized crimes that target law-abiding citizens, and corruption and intimidation are ways in which organized criminals can influence government officials, from the cop on the beat, to prosecutors, judges, and mayors and, in some cases, all the way to members of parliament and the highest representatives of the state. Yet, arguably the most far-reaching criminal advance into the upperworld is of a different nature, when criminal groups take the place of legitimate government. This can happen on a small scale—for example, when in a marginalized urban neighborhood problems are not taken to the police or the courts but to the local gang. The same can occur on a grand scale, when, for example, legitimate businesses routinely turn to criminals to solve a dispute over a contract or to collect an outstanding debt because there is no faith in the efficient functioning of the legal system. This could be observed in former Soviet Bloc countries during the 1990s when it was a normal aspect of conducting a legitimate business to draw on the protection and assistance of criminal groups in exchange for a share of the profits (Skoblikov, 2007; Varese, 2001; Volkov, 2002).

When criminals exercise power, they do not necessarily do so on their own account. A scenario that finds frequent mention in descriptions of organized

crime is that of underworld-upperworld alliances. In these alliances, the gangster element is often in a subservient role and tasked with doing the dirty work for political and business elites. Namely, in the United States there has been a long tradition of politicians recruiting criminal gangs to stuff ballot boxes and to intimidate the voters of opposing candidates and a similarly long tradition of businesses employing criminals to counter efforts of unionizing workers (Asbury, 1927; Block & Chambliss, 1981; Whyte, 1943/1981).

Myth and Reality: The Case of “Scarface” Al Capone

A recurring theme in the debate on organized crime is how powerful criminal organizations and individual organized criminals truly are. Journalists are quick to award the title of “most powerful” to a host of gangs or gangsters. One stands out among the many who have been glorified and mystified: Al Capone. To put things into perspective, it appears useful to take a closer look early in this book at this particular individual, arguably the most notorious organized criminal of all times. His name continues to conjure up images of the wealth and power of the underworld.

Alphonse “Al” Capone was born in New York City in 1899. His parents had immigrated to the United States a few years earlier from a town near Naples, Italy. Capone’s father made his living as a barber while his mother cared for the children, nine in all, at home. At age 19, Al married his life-long wife Mae following the birth of their only child. The young family moved to Baltimore, where Al worked as a bookkeeper for a legitimate construction firm for the next two years. In 1920, however, Al Capone left the path of a law-abiding life and returned to a career of vice and crime that he had already begun at an earlier age on the streets of Brooklyn, New York (Bergreen, 1994).

Al reportedly had dropped out of school at the age of 14 following a violent confrontation with his teacher. He was involved in fights between Irish and Italian youths and before long ran errands for a local underworld figure, John Torrio, who had a stake in the illegal lottery business and also managed a number of brothels. Torrio would later become Capone’s mentor in Chicago. But before that happened, Capone entered the service of another New York gangster. Al Capone became a bouncer and bartender in a Coney Island bar and dance hall owned by Frank Yale. It was there that Capone got in a brawl with a knife-toting customer and received the famous scar on his left cheek that earned him the nickname “Scarface.” In the meantime, John Torrio had left for Chicago to join his uncle “Big Jim” Colosimo, a politically well-connected restaurateur, loan-shark, and brothel owner (Kobler, 1971).

In 1920, shortly after the onset of Prohibition, Colosimo was murdered and his gambling and prostitution businesses were taken over by Torrio, who enlisted Al Capone to be his right-hand man. Torrio recognized the opportunities presented to illegal entrepreneurs by the prohibition of the manufacture and sale of alcohol. He assumed control over a number of legitimate breweries that supplied a burgeoning black market with beer while officially only producing “near beer,” real beer de-alcoholized to .5 percent (Allsop, 1968; Kobler, 1971, 1973).

Like gambling and prostitution, the illegal alcohol business thrived under the protection of corrupt politicians. When in 1923 a reform mayor took office in

Chicago to replace the corrupt “Big Bill” Thompson, Torrio lost his high-level protection and was forced to move his center of operations to the suburb of Cicero where, one year later, massive voter intimidation organized by Al Capone assured the election of a gangster-friendly local government. With the ousting of mayor Thompson in Chicago in 1923, an era of centralized protection of vice and crime had come to an end, resulting in the collapse of a system of peaceful coexistence between the leading gangs of the city, a system that Torrio had carefully crafted. What followed was a series of violent confrontations over alcohol shipments and territories, dubbed the “beer war,” that claimed the lives of hundreds of gangsters. Al Capone assumed a leading role in this conflict, reputedly commanding whole troops of gunmen (Kobler, 1971; Landesco, 1929).

In 1925, John Torrio only narrowly escaped an attempt on his life and decided to return to New York City. With Torrio gone, Capone assumed the leadership role and increasingly received public attention. In fact, unlike other underworld figures, he courted the press. One crime reporter for the *Chicago Tribune* newspaper, quoted by Al Capone biographer Laurence Bergreen, even suggested in hindsight that Capone’s dominating position had been a media fabrication: “We built him up as the big shot in the gang world” (Bergreen, 1994, p. 211).

From what is known about the inner workings of the so-called “Capone Syndicate,” Al Capone shared interests in a number of illegal and legal businesses with different partners, namely his older brother Ralph Capone, their cousin Frank

Nitti, and Al Capone’s trusted friend Jack Guzik, the oldest of three Russian-born brothers with a background in prostitution and human trafficking. From other businesses, Capone exacted a share of the profits in return for political and physical protection. During its heyday in the late 1920s and early 1930s, the “Capone Syndicate” is believed to have had a total of 181 members, although it is not clear on what basis the membership was defined (Lombardo, 2013, p. 920.) Among the top echelon, Al Capone stood out insofar as he commanded the “military arm” of the organization, a small standing army of bodyguards who drew regular salaries (Haller, 1990; Papachristos & Smith, 2014).

Despite his growing notoriety as “gangster overlord,” efforts to



Image 1.5 Al Capone was at the height of his power at age 32 when this picture was taken in 1931.

Photo: uncredited / AP/Corbis

put Al Capone out of business and behind bars failed, until in 1931 he was sentenced in federal court to 11 years in prison for tax evasion. There are two myths surrounding this case: One myth is that Al Capone was the first criminal ever to be prosecuted for failing to report his illegal income, the other that

he would otherwise have remained “untouchable.” The truth is that a similar case had been brought against a South Carolina bootlegger as early as 1921, upheld by the U.S. Supreme Court in 1927, and a number of Chicago gangsters, including his brother Ralph, had been charged with tax evasion before Al Capone. Had this prosecution strategy failed, Al Capone would most likely have been convicted for violating the alcohol prohibition laws. An indictment listing more than 5,000 such transgressions had been filed against Capone one week after the indictment for tax evasion, and Capone had pleaded guilty to all of those charges in hope of a mild sentence of two and a half years. Only because the judge rejected the plea and opted for a trial did the tax indictment take precedence (Hoffman, 1993).

Al Capone served his time in the infamous Alcatraz federal penitentiary before receiving an early release on medical grounds in 1939. He showed symptoms suggesting damage to the central nervous system characteristic of advanced syphilis, a disease he had contracted at a young age. Al Capone died in his retirement home in Florida in 1947, shortly after his 48th birthday (Bergreen, 1994).

CONCEPTUAL CONFUSION

The issues that are being addressed under the rubric of organized crime, many of which appear in the life story of Al Capone, can be approached from different angles. The purpose of this book is not to advocate one particular perspective or to replace existing interpretations with a novel conception of the nature of organized crime. This would only add to the confusion. Instead the aim is to put things into perspective within one overarching conceptual framework.

The problem that everyone faces who is drawn to this subject is the diversity of views of what organized crime constitutes. This diversity has led to a great deal of talking at cross-purposes. Usually, the more one hears and reads about a subject, the clearer things become. In the case of organized crime the opposite may be true.

Organized Crime and the Social Construction of Reality

Before taking a closer look at the various phenomena associated with organized crime in later chapters of this book, it is important to understand why it is so difficult to come to terms with this subject and why there is still such a great deal of confusion. Contrary to what one might expect, this has not so much to do with the sinister and clandestine ways of gangsters and mafiosi. Instead it has to do with a general problem of how people perceive and make sense of the world they live in. First of all, people cannot possibly grasp reality in all of its complexity. Their perception is inevitably selective, which means they focus on certain aspects while neglecting others. Secondly, what they see they tend to frame and rearrange into categories that are in line with their pre-existing views, attitudes, and values. Thirdly, people make sense of the world not as individuals but as social beings. They come to shared understandings of how to view and interpret reality in a process that has been called the *social*

construction of reality (Berger & Luckmann, 1966). It is important to realize that the social construction of reality is a dynamic process, influenced by numerous factors, with many possible outcomes. This also applies to the notion of organized crime.

The central thesis on which this book is based and which will be further elaborated below is that organized crime is not something that exists clearly discernible out in the real world, such as the Egyptian pyramids. This does not mean that what the concept of organized crime refers to is a figment of someone's imagination without any link to reality. The diverse phenomena which are variously labeled organized crime are quite real—some exaggerations, misinterpretations, and mystifications notwithstanding. However, in order to be able to speak of organized crime, certain aspects of the social universe first have to be separated out from a dense web of individuals, actions, and structures and brought into a unifying context on the conceptual level. Organized crime, in this sense, is a construct, an attempt to make sense of a complex social reality. Strictly speaking, organized crime as something that is clear-cut and self-evident only exists on paper, in the combination of the two words *organized* and *crime*. At the same time, the meaning of these two words is loose, flexible, and contradictory. For example, some associate organized crime essentially with the organization of criminal *activities*, while for others the term organized crime refers primarily to the organization of *criminals*. As will be discussed in Chapter 2, there are similarly divergent views on the meaning of the term organized crime in several other respects as well, and there is no firm basis on which to say that one view is right and the other is wrong.

Is a Definition of Organized Crime Needed to Study Organized Crime?

Scholars have dealt with the existing conceptual confusion in different ways. Perhaps the most common and also most obvious approach is the attempt to increase clarity by defining organized crime.

Attempts to Arrive at an Authoritative Definition of Organized Crime

There are some who have not simply formulated working definitions of organized crime for specific purposes but have tried to come up with an authoritative definition that would end the debate over the meaning of the term once and for all. Given the continuous stream of new definitions that are being proposed, this approach has not been successful. Others acknowledge that it is difficult to arrive at a generally accepted definition of organized crime, yet they believe that there are some attributes that provide a basis for determining if something constitutes organized crime or not. For example, Howard Abadinsky (2013, p. 3) has proposed a list of eight attributes that he believes help in deciding "if a particular group of criminals constitutes organized crime." Note that Abadinsky assumes that organized crime is a particular class of *groups* of criminals. His list of attributes includes, for example, a hierarchical group structure, the willingness to use violence, and the absence of political goals.

What all attempts to delineate the meaning of the term organized crime have in common is that the line they draw between organized crime and non-organized crime in the end is arbitrary. For example, confining organized crime to criminal *groups* and only to those groups with a *hierarchical* structure, "a vertical power structure," as Howard Abadinsky (2013, p. 3) advocates, means ignoring a large class of serious crime phenomena that for many others are at the center of the study of organized crime. Many include in their definition sets of individual criminals that are connected through social ties and who collaborate in criminal activities as equals without any hierarchy and with only a rudimentary division of labor (see, e.g., Fijnaut, Bovenkerk, Bruinsma, & Van de Bunt, 1998, p. 27; Godson, 2003c, p. 274).

Arguments for and Against the Need for a Definition

Despite the intricate problems that have become apparent in defining organized crime, some argue that a definition is nonetheless needed, not only for legal and policy purposes (Lebeya, 2012, p. 1) but also for research purposes (Finckenauer, 2005; Schneider, 1993, p. 130). The argument, in essence, is that in order to be able to study organized crime one first has to be clear about what to study. At first glance this seems to be a logical and, in fact, irrefutable proposition. However, things are more complicated when dealing with a subject that is first and foremost a construct rather than a coherent empirical phenomenon. In a case like this, social science research is confronted with a subject that is encapsulated in preexisting lay perceptions and assumptions (Hagan, 1983). Organized crime is not a scientific discovery. The notion of organized crime was first promoted by civic leaders, politicians, and journalists and only later adopted by social scientists (von Lampe, 2001a). How social scientists should deal with prescientific, lay notions, such as that of organized crime, has first been discussed by one of the founding fathers of sociology, Emile Durkheim. He declared it the first rule of social science to eradicate such lay notions that, he said, are "confused and unorganized" products of human experience, reflecting social reality as much as emotions, prejudices, and ideologies (Durkheim, 1895/1964, p. 33). Sociological research, Durkheim maintains, cannot take as an object of study the reality as it is framed in lay perceptions. Rather, sociological research has to go deeper. Sociologists first have to define and categorize the underlying phenomena: In the case of organized crime this would include phenomena like drug trafficking, illegal markets, criminal organizations, and underworld governments. Then they need to explore to what extent these diverse phenomena are indeed connected in a way that would justify subsuming them under one unifying concept.

From this line of reasoning follows that research on organized crime cannot have a definition of organized crime, the notion of a clear and coherent object of study, as its starting point. On the contrary, the very purpose of the study of organized crime is to determine to what extent such a coherent phenomenon indeed exists. A definition, therefore, is a possible *outcome* of rather than a precondition for the study of organized crime (Kelly, 1986, p. 28; von Lampe, 2009b, p. 165–166). And, it must be added, in this respect the study of organized crime still has a long ways to go. Strictly speaking, as later chapters in this book will highlight, the study of organized crime is still in its infant stages.

Where the research efforts within this field will eventually lead is uncertain, provided the research process is open and unbiased. While it is possible that organized crime will at some point in time be translated from a heterogeneous construct into a scientific concept informed by empirical data and theory, the research process may also lead, in the other extreme, to a complete “evaporation” of the concept of organized crime (Van Duyne, 2003, p. 28).

WHAT IS THE OBJECT OF STUDY IN THE STUDY OF ORGANIZED CRIME?

So, if for the time being there is no useful definition of organized crime, what then exactly is the object of study in the study of organized crime? The short answer is, there is not one object of study but many different objects of study, comprising, for a lack of discriminating criteria, everything that in some way or other has been associated with organized crime. Chapter 2 will specify what this entails. For now it is important to clarify how on such an abstract level the boundaries of the study of organized crime can be defined without defining the term organized crime. There are, in fact, two ways to do this. *Nominally*, the study of organized crime comprises all research and theorizing explicitly designated by the respective scholars as relating to organized crime, regardless of how the term may be interpreted.

However, the same subject matter may be explored by different scholars with some using the concept of organized crime and others avoiding it. For example, the structure of drug trafficking groups, the logistics of investment fraud, or the use of violence within the Sicilian Mafia are issues that are not necessarily studied under the rubric organized crime. Therefore, a more inclusive way is to delineate the study of organized crime in substantive terms so that it comprises all research and theorizing relating to phenomena that have been labeled organized crime, regardless of whether or not in a particular instance the concept actually comes into play. In both cases, of course, the study is in the end simply marked off by the range of meanings attached to the term organized crime. In other words, the study of organized crime is the study of whatever is labeled organized crime, in line with the only definition of organized crime that is based on a clear-cut common denominator and is comprehensive at the same time: Organized crime is what people so label (von Lampe, 2001a, p. 113). It is in this sense that the term is used throughout this book as a vague denominator of a mixed basket of phenomena that have variously been labeled organized crime.

CHAPTER 2



The Concept of Organized Crime

This chapter examines how the label organized crime has been applied historically and in systematic terms. In so doing, the first aim is to show the haphazard use of the concept and to highlight the uncertainties inherent in the social construction of reality. The second aim is to demonstrate the extent of the existing conceptual confusion surrounding the term and to undermine any notion of a consensus about the nature of organized crime. Finally, by pointing out the different empirical phenomena associated with the term, this chapter lays a foundation for identifying the major themes in the study of organized crime that will be addressed in the later chapters of this book.

THE CONCEPTUAL HISTORY OF ORGANIZED CRIME

The concept of organized crime as it is used today is essentially a U.S. invention. While its origins go back to at least the 19th century, it was not until the early 20th century, in the United States, that a more or less consistent meaning was attached to the combination of the words *organized* and *crime*. Inspired by the debate on organized crime in the United States, the term has then come to be used more or less consistently in other parts of the world, namely in Europe, since the 1960s and 1970s, and on a global scale since at least the 1990s in the run-up to the UN Convention against Transnational Organized Crime, the so-called Palermo Convention, which was adopted in the year 2000.

Organized crime is a good example of how, in modern societies, problems are identified and placed on the political agenda. This alone makes the conceptual history of organized crime an interesting subject for social scientists to study. However, it is also important for those interested in the underlying empirical phenomena to understand how the concept has evolved. First of all, as indicated before, the use of the concept is what at the moment best delineates the scope of the study of organized crime. Secondly, the conceptual history reveals how volatile assumptions about the nature of organized crime have been and how much



Image 2.1 The adoption of the UN Convention against Transnational Organized Crime in Palermo in the year 2000 marked the acceptance of organized crime as a key criminal policy concept on the global level. Austrian President Thomas Klestil's signature is witnessed (from left to right) by Kofi Annan, UN General Secretary; Pino Arlacchi, head of the UN Office for Drugs and Crime (UNODC); and Leoluca Orlando, mayor of Palermo and anti-Mafia activist.

Photo: Reuters/Corbis

they have been influenced by external factors that have little or nothing to do with the reality of crime. This induces a healthy sense of scepticism, which is a good mind-set for studying organized crime. Nothing that has been said or written about the subject should be accepted at face value.

The Origins of the Concept of Organized Crime

As far as can be seen, the combination of the two words *organized* and *crime* appeared sporadically but with increasing frequency in the English language since about the 1830s, both in the United States and in the British Empire. The meaning of the term varied greatly up until the years following World War I when one can speak, for the first time, of a coinage of the term in the sense of a regular usage with roughly the same content.

Two clusters of context and meaning of the term can be discerned in the period from the early 1800s until about 1920: organized crime referring to the political realm and organized crime referring to more conventional crime phenomena.

War and Political Violence as Organized Crime

War or civil war was repeatedly branded as being organized crime in the decades before 1920 (see, e.g., Spencer, 1881, p. 23). The same is true for atrocities committed in the context of military conflict, including tactics ascribed to the South in the U.S. Civil War (Boutwell, 1865), Germany during World War I ("A Woman's Dread," 1915), and the Bolsheviks during the Russian civil war following the October Revolution of 1917 ("Germans Lost Riga," 1919). In the aftermath of the U.S. Civil War, organized crime was also repeatedly employed as a label for the practices of the Ku Klux Klan (see, e.g., "Senator Morton's Committee," 1871). Another political context in which the term appeared were struggles against political and economic oppression, either referring to the oppressors, such as the British colonial regime in India (St. John, 1852, p. 232), or the oppressed, for example, Irish peasants revolting against British rule (Lewis, 1836, p. iii) and U.S. workers fighting for their rights ("Otis Sees," 1912). In fact, the term in some instances has been a play of words to denounce labor unions. In one *New York Times* editorial, for example, a militant miners' union was attacked as "a labor organization so lawless and abhorrent to the primary ideas of civilization that it might fairly be described not as organized labor, but as organized crime" ("Undesirable Citizens," 1907). In this context it should be noted that the term *organized* was a popular prefix in the 19th century, appearing in creations such as *organized society*, *organized government*, *organized capital*, *organized industry*, and *organized business*.

Criminals, Criminal Groups, and Criminal Activities as Organized Crime

Apart from the context of political conflict, the term organized crime appeared in reference to crime as conventionally understood, particularly predatory crime, such as theft, robbery, and burglary. In some instances, organized crime referred to criminal activities in a generic sense, implying, for example, that crimes were "systematized on a commercial scale" ("Attacks on Gaynor," 1912). In other instances, the term referred more to criminals and criminal groups. There is the notion, first of all, that organized crime pertains to the community of professional criminals, of "accomplished villains, . . . men of talents, mind, and genius" (Todd, 1837, p. 25), who are more capable and more sophisticated than other criminals. Then there is the notion that organized crime has to do with criminal organizations.

The British colonial administration in India, where the term seems to have been used with some regularity in the mid-1800s, found itself confronted with indigenous seminomadic bands of traders and plunderers engaged in highway robbery and other predatory crimes (Brown, 2002). These groups, under the heading organized crime, were described in official documents as "dangerous fraternities" (Arnold, 1862, p. 264) and "criminal tribes . . . whose members for generations have been and are addicted to criminal pursuits" (Hutchinson, 1870, p. 412). Probably because of the specific nature of the underlying phenomena, there has been no traceable continuity in the use of the term from the British colonial rule in India of the 1800s until today.

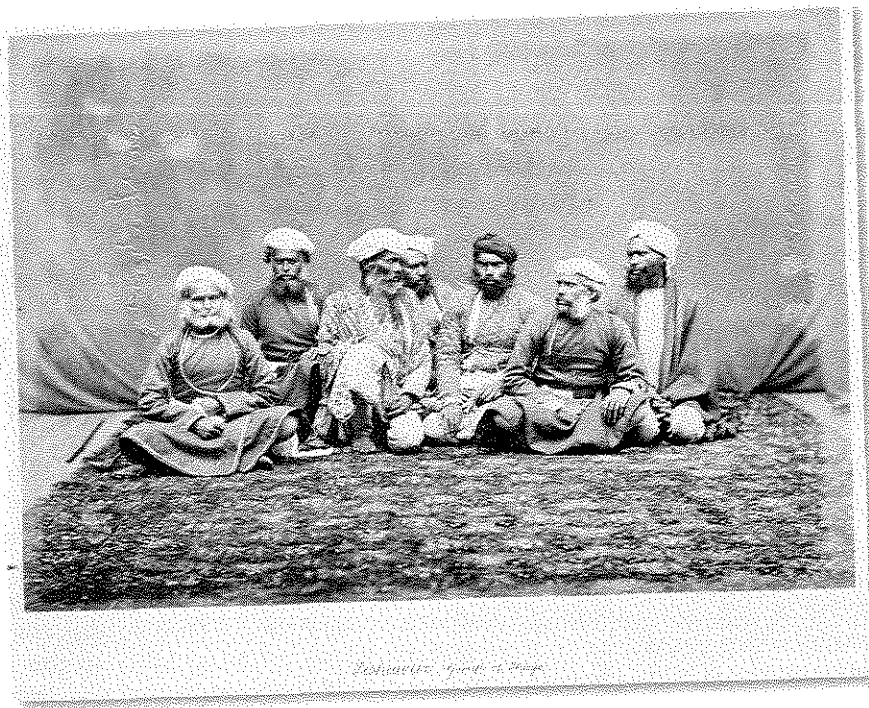


Image 2.2 In the mid 1800s, groups accused by the British colonial administration in India of engaging in highway robbery and other crimes, were among the first to be labeled organized crime.

Photo: Science & Society Picture Library/Contributor/Getty Images

Organized Crime and Mafia

In the United States, isolated instances of the connection between organized crime and criminal organizations can be found throughout the 19th century (K. H. R., 1835). Early on, the term appeared in connection with mafia organizations rooted in Italy that, of course, would later be regarded by many as the epitome of organized crime (Appleton, 1868). Interestingly, however, while the existence of these criminal organizations was present in the public conscience since the late 1800s, not least in the United States, it was not until the 1950s that Mafia and organized crime came to be seen as largely synonymous (see von Lampe, 2001a).

On two occasions in particular, public attention in the United States was directed to Italian criminal organizations. The first incident was the murder of the popular chief of police in New Orleans, David Hennessey, in 1890. According to one interpretation, Hennessey had been shot to death by members of one of two rivalling groups of Italian American criminals. Following a verdict of not guilty, allegedly as a result of jury tampering, eleven suspects of Italian decent were killed by a lynch mob (Lombardo, 2010, p. 168). The Hennessey case triggered a hysteria about Italian criminal organizations allegedly gaining a

foothold in the United States, namely the Sicilian Mafia and the Camorra from Naples. An editorial in the *New York Times* raised the question “whether 300,000 or 400,000 Italian immigrants have imported with themselves their characteristic methods of banding themselves into secret, oath-bound societies which reach private ends by murder” (“The Mafia in the United States,” 1890). Interestingly, however, in the flurry of articles and editorials about mafia organizations that were published in the aftermath of the Hennessey murder, hardly any contained the term organized crime (see Lombardo, 2010, p. 174).

A few years later, the notion of Italian criminal organizations operating on U.S. soil returned to center stage with the “Black Hand.” Some view the Black Hand as the predecessor to the Italian American Mafia, Cosa Nostra, which took shape in the 1920s and 1930s. In fact, many contemporary observers believed that the Black Hand was nothing but an offspring of the Sicilian Mafia. Others, then and now, see it more as a method of extortion employed by individuals and small groups primarily within the Italian immigrant communities of cities such as Chicago and New York. The scheme, first documented in 1903, involved the sending of extortion letters bearing the symbol of a black hand, or signed Black Hand, respectively “La Mano Nera” (Lombardo, 2010; Pitkin & Cordasco, 1977). Again, while reports on the Black Hand were numerous, the term organized crime was rarely used; once, for example, to describe black hand extortion as “organized crime among the low-class Italians” (“Topics of the Times,” 1906).

The sporadic and volatile appearance of the combination of the words organized and crime in the English language since the early 19th century did not have a lasting effect on language usage. It was not until the years after World War I that the concept of organized crime was first coined and ceased to merely represent a play of words. For the first time it served as a conceptual reference point for political and academic debates, although this reference point remained vague and shifted over time.

The First Coinage of the Concept of Organized Crime in the United States

As far as can be seen, the first coinage of the term organized crime occurred in the deliberations of the Chicago Crime Commission, a civic organization created in 1919 by businessmen, bankers, and lawyers concerned about rampant crime, primarily predatory crime, in the city of Chicago (von Lampe, 1999; von Lampe, 2001a). In the pronouncements of the Chicago Crime Commission, organized crime referred not to criminal organizations but in a much broader sense to the orderly fashion in which the so-called “criminal class” of an estimated “10,000 professional criminals” allegedly pursued “crime as a business” (Chamberlin, 1919, 1920, 1921; Holden, 1920; Sims, 1920). The debate centered on the perceived ineffectiveness and corruption of the criminal justice system, while also criticizing widespread indifference and even open sympathy on the part of the general public toward criminals. This characterization of organized crime as part of the fabric of society reflected the perspective of the old-established protestant middle class on Chicago as a city that, after years of

rapid growth and cultural change, seemed to be drowning in crime and moral decay (von Lampe, 2001a, p. 104).

During the Prohibition Era, the period from 1920 until 1933, when the production and selling of alcoholic beverages was illegal in the United States, the understanding of organized crime changed significantly. By the late 1920s, organized crime no longer referred to an amorphous "criminal class" but to "gangsters and racketeers" who were organized in "gangs," "syndicates," and "criminal organizations," following "big master criminals" who functioned as "powerful leaders of organized crime" (Lashly, 1930; Smith, 1926; "Pershing Asks Repeal," 1932). Some of these leaders moved into the limelight and gained celebrity status, most notably Al Capone.

While the picture of the criminal class became more and more differentiated, the understanding of the relation between organized crime and society took a decisive turn. Organized crime was no longer seen as a product of conditions that could be remedied by means of social and political reform. Instead, the emphasis was on vigorous law enforcement in a "war on organized crime" ("Mulrooney Wants Criminals," 1933).

The Merging of the Concepts of Organized Crime and Mafia

It should be noted that throughout the Prohibition Era, which in hindsight constitutes the classical era of gangsters in the United States, the term organized crime was still only used rather sparingly, sometimes superseded by the term *racketeering*. More importantly, the term still had no ethnic connotation. This changed dramatically in the 1950s and 1960s with the resurgence of the imagery of Italian mafia groups having taken root in the United States.

This shift in perception was brought about to no small degree by nationally televised hearings held by a U.S. Senate committee chaired by Estes Kefauver (Special Committee to Investigate Organized Crime in Interstate Commerce). The so-called Kefauver Committee focused its attention on a group of underworld figures from Chicago and New York suspected of controlling illegal gambling operations in various parts of the country. Guided by information provided by the Federal Bureau of Narcotics (FBN), the Kefauver Committee concluded that numerous criminal groups throughout the United States were tied together by "a sinister criminal organization known as the Mafia" (S. Rep. No. 307, 1951, p. 2).

The Kefauver Committee marked a significant turning point in the conceptual history of organized crime in three respects. First, organized crime no longer appeared to be primarily a local problem but instead one that existed on a national scale and threatened local communities from the outside. Second, the notion of the Mafia as an organization of Italian Americans added an ethnic component to the concept of organized crime. Third, for the first time the law enforcement community, namely the FBN, not to be confused with the FBI, was assuming an active role in the conceptualization of organized crime, which previously had been the domain of journalists, civic leaders, and politicians. The FBI for its part rejected the notion of organized crime in the United States until 1963. FBI Director J. Edgar Hoover not only ruled out the existence of an Italian American Mafia, he also criticized more general conceptions of criminal organization



Image 2.3 Televised hearings held in 1950 and 1951 before a U.S. Senate committee chaired by Estes Kefauver promoted the view that Italian-American gangsters epitomize organized crime. Shown is the March 1951 testimony of Frank Costello whose position as boss of one of New York City's five Mafia families was not known at the time. Costello tried to downplay his ties to politicians and to a number of notorious underworld figures including Al Capone, Meyer Lansky, and Lucky Luciano.

Photo: © Bettmann/CORBIS

(Powers, 1987). In an article on women trafficking published in 1933, for example, Hoover voiced his disapproval of "considerable misconceptions by the public of the extent of so-called vice rings." The occasional discovery of such an organization, he maintained, cannot be taken as an indication of their prevalence (Hoover, 1933, p. 479).

The interest in organized crime and in the Italian American Mafia that the Kefauver Committee had stirred was reinforced by a series of events that, by the late 1960s, culminated in the merging of the two concepts of organized crime and Mafia. In 1957, Senate hearings on the influence of Italian American criminals on legitimate businesses coincided with the discovery of a national meeting of Italian American criminals near Apalachin in New York State. In 1963, a Mafia-turncoat from New York City, Joe Valachi, testified before a Senate committee about the inner workings of what he called Cosa Nostra, which forced the FBI to acknowledge the existence of a nationwide organization of Italian American criminals. In 1967, a Presidential commission on crime in essence declared this

organization to be the embodiment of organized crime in the United States, arguing that Cosa Nostra largely controlled the provision of illegal goods and services in the country. Finally, in 1969, Mario Puzo's hugely successful novel *The Godfather* presented the mafia imagery in a consumer-friendly form while the release of transcripts of secretly taped conversations of a Cosa Nostra boss, Simone Rizzo (Sam the Plumber) de Cavalcante (De Cavalcante tapes), provided additional credibility to the official depiction of the Cosa Nostra as a formal organization with defined membership (von Lampe, 2001a).

Challenges to the Mafia Paradigm

In a nutshell, the view on organized crime that had emerged by the late 1960s saw practically all gambling, loan sharking, drug trafficking, and other crimes in the United States directly or indirectly controlled by one organization of some

5,000 men of Italian descent. The organization was believed to function under the protection of corrupt officials as an underworld government and as an illegal business, with local branches, so-called families, structured along the lines of military units, each with a "boss" at the top of the hierarchy and some of these bosses, in turn, forming a governing body for the entire organization, the so-called commission (Cressey, 1969). This image reduced the confusing reality of crime to one very simple model that could easily be conveyed to the law enforcement community and the general public. To no small degree, however, the image of a nationwide Mafia had been the result of a focus on New York City, a Mafia stronghold with five Cosa Nostra families. Despite its tremendous impact on public perception, this image soon proved inadequate for capturing the crime situation in other parts of the country.

The U.S. Congress refrained from outlawing membership in Cosa Nostra and instead, in 1970, passed legislation with a far broader scope, the Racketeer Influenced and Corrupt Organizations Act (RICO), which does not require involvement in a criminal organization such as Cosa Nostra but merely an "association in fact" (Chapter 14). Likewise, many state-level commissions on organized crime that had been established in response to the national debate at best paid lip service to the characterization of Cosa Nostra as an all-encompassing criminal organization. Instead, they defined organized crime in much broader terms to include less structured gangs and illicit enterprises (Governor's Organized Crime Prevention Commission, 1973; Hawaii Crime Commission, 1978; Missouri Task Force on Organized Crime, n.d.). A similar uneasiness with the Mafia paradigm became evident among law enforcement officials at the state and local levels (National Advisory Committee, 1976) and even among members of the Federal Organized Crime Strike Forces that had been established since 1967 in a number of cities with assumed Cosa Nostra presence. While some Strike Force members equated organized crime with Cosa Nostra, others included any group of two or more persons formed to commit a criminal act (U.S. Comptroller General, 1977).

In the long run, the notion that there is more to organized crime in the United States than Cosa Nostra did not lead to a profound revision of the concept. In the late 1970s and early 1980s, the concept of *nontraditional organized crime* emerged that merely transferred the Mafia model to other groupings similarly defined along ethnic lines and with allegedly a similar structure and purpose, such as East Asian, Latin American, and Russian groups, outlaw motorcycle gangs, and so-called prison gangs (President's Commission on Organized Crime, 1983).

Since the 1990s, the term organized crime has once again been primarily applied to Cosa Nostra as far as the situation within the United States is concerned, while with regard to other countries a wide array of phenomena has come to be labeled organized crime, irrespective of their resemblance to Cosa Nostra—for example, maritime piracy ("Piracy and Terrorism," 2004).

Two developments are significant for the current understanding of organized crime in the United States. The first is the series of successful prosecutions against members and associates of Cosa Nostra since the early 1980s that have continuously reinforced a narrow use of the term (Jacobs, 1994, 1999). The law enforcement campaign against Cosa Nostra also had another notable effect: a shift in perception from organized crime constituting an imminent threat to

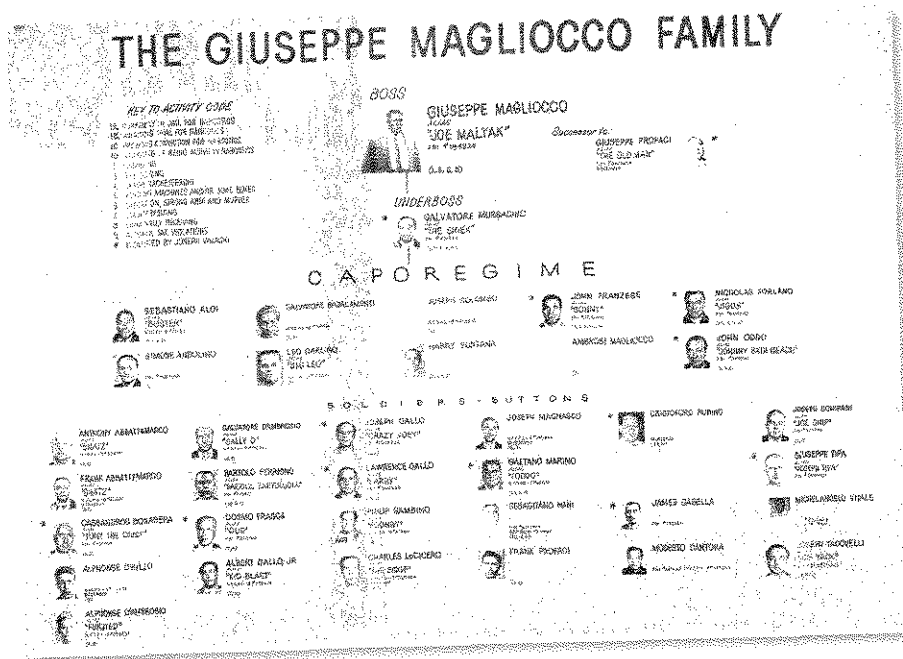


Image 2.4 A chart prepared for a U.S. Senate hearing in 1964 by the New York Police Department depicting the formal (hierarchical) structure of a Cosa Nostra family, then designated as the Magliocco Family but better known otherwise as the Profaci or Colombo family. The chart distinguishes three levels of authority, the leadership with a boss and an underboss, the middle-ranking caporegime, and the ordinary members ("soldiers"/"buttons"). It also indicates what criminal activities the members have been involved in. Most commonly they are known for involvement in gambling, loan sharking, and extortion.

internal security to organized crime becoming an element of American folklore celebrated in TV shows such as the *Sopranos* and in movie comedies such as *Analyze This* and *Mickey Blue Eyes*.

The second important development in the current understanding is the internationalization of the concept of organized crime. The use of the term in other countries and on the international level, originally inspired by the United States, has increasingly become detached from the U.S. context, and in turn has come to influence the use of the term in the United States.

THE RECEPTION OF THE AMERICAN CONCEPT OF ORGANIZED CRIME IN OTHER COUNTRIES

The U.S. debate on organized crime, as it gained momentum in the 1950s, 1960s, and 1970s, did not go unnoticed elsewhere in the world, especially not in western countries that invariably saw the United States as a model for their own societal developments. What had come to light about the organization and influence of

criminals in the United States appeared like a premonition of things to come. Even in Italy, with its very own entrenched organized crime problems, renewed public interest in the Mafia was partly inspired by events like the Kefauver hearings (Dickie, 2004, p. 319). Most countries, however, found themselves in essentially the same position as those parts of the United States that did not have a Cosa Nostra presence. The typical response to the Mafia-centered notion of organized crime was to either reject the concept altogether or to redefine it. Western Europe is a case in point.

Beginning in the 1960s, the official usage of the term organized crime in Western Europe has been vacillating between, on the one hand, the desire to depart from U.S. imagery in order to accommodate the specifics of the European crime situation and, on the other hand, the temptation to hold on to the concept of organized crime in order not to relinquish the “emotional kick” (Levi, 1998b, p. 336) that comes with it exactly because of the connotation of sinister criminal organizations.

At first, the notion prevailed that organized crime was an ill-fitting term

in the (Western) European context. A study sponsored by the Council of Europe in 1970, for example, found that police forces across Western Europe had little use for this concept. The researchers noted a general agreement that U.S.-style organized crime (in the sense of the provision of illegal goods and services by well-organized and politically entrenched crime syndicates) was almost nonexistent. Instead, developments in the area of predatory crime were believed to pose a much greater and far more immediate threat. One perceived trend pertained to a weakening of traditional localized underworld milieus and the emergence of a more anonymous, nonterritorial network of criminals. Clusters of individual criminals from different social and regional backgrounds were seen to cooperate and pool resources for the commission of specific crimes. This network of criminals, it was stressed, did not have “any elaborate collective organisation,” nor was there a “Mr. Big” (Mack & Kerner, 1975, p. 54). Accordingly, the organized crime label was at first only very hesitantly and sparingly used in Western Europe. Over time, however, the networks of criminals that seemed to bear so little resemblance to the imagery of mafia syndicates came to be viewed as the specifically European manifestation of organized crime. This development coincided and, in fact, may be explained at least in part by the formation of law enforcement units and agencies with a specialization in the use of investigative tools, such as electronic surveillance and undercover agents. The concept of organized crime helped to legitimize these innovations and it also facilitated the delineation of jurisdictional boundaries within law enforcement (Pütter, 1998).

A major shift in the public perception of organized crime did not occur until the late 1980s. The inclusion of so-called nontraditional, that is, non-Italian organized crime in the official U.S. parlance at the time, the growing migration problem in Western Europe, the discussion of new police powers in the fight against drug trafficking, and finally the profound changes following the fall of the Iron Curtain in 1989 and the demise of the Soviet Union can be seen as some of the factors that contributed to a revitalization of the threat image of mafia organizations. In contrast to the original perception of the 1960s, however, according to which these organizations were not present in Western Europe, journalistic depictions and official reports now saw Europe as a hotbed of transnational, mostly ethnically defined “mafias” (Europol, 2002; Freemantle, 1996; Sterling, 1994). Ironically, official definitions and the day-to-day police work in Europe have remained oriented at a very broad conception of organized crime that encompasses in essence all crime for profit involving the continuous cooperation of three or more individuals (Symeonidou-Kastanidou, 2007).

To put it in a nutshell, the conceptual history of organized crime has been characterized by two competing views, a narrow one centered on clear-cut criminal organizations and a broad one encompassing myriad forms of criminal structures and criminal activities. The narrow perspective on organized crime clearly dominates public perceptions. In fact, it was only after the emergence of a narrow understanding with a focus on the Italian American Mafia that the concept of organized crime gained wide acceptance. In criminal statutes and in the practice of law enforcement, however, a broad conception prevails. This ambiguity provides politicians and law enforcement officials with convenient opportunities for a flexible use of the concept of organized crime (von Lampe, 2001a).

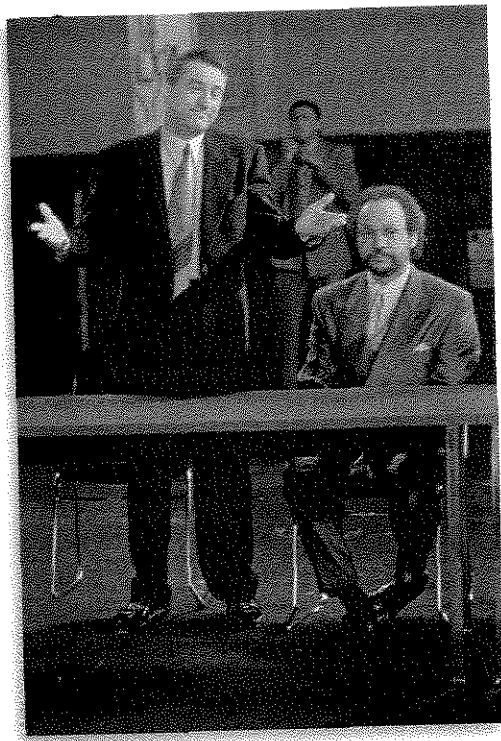


Image 2.5 In the 1999 movie comedy *Analyze This*, a psychologist (Billy Crystal, r.) has to fill in for his client, a Mafia boss (Robert De Niro, l.), at a Cosa Nostra meeting.

Photo: Ronald Siemoneit/Sygma/Corbis

LESSONS TO BE LEARNED FROM THE CONCEPTUAL HISTORY OF ORGANIZED CRIME

When one looks at the conceptual history of organized crime, it is important to note that the use of the term as such and the way it is used are not inherently and inadvertently linked to the reality of crime. First of all, the phenomena that eventually came to be labeled organized crime had existed long before the concept of organized crime first emerged, dating back centuries (Egmond, 1993; Fijnaut, 2014b; Mansour, 2008; Newton, 2011; Sharpe, 1984; Van Wees, 1998). Secondly, the disconnect between concept and reality is not just a matter of perception lagging behind the actual development of crime. While crime phenomena may at times be difficult to detect because of their clandestine nature, in the case of mafia organizations this does not explain why it took more than 60 years, from the hysteria following the murder of police chief Hennessey in New Orleans by alleged mafiosi in 1890 until the 1950s and 1960s, that organized crime and Mafia came to be treated as synonymous. Thirdly, those views that are most prevalent at a given point in time are not necessarily the views that are most accurately reflecting reality. Namely, the Cosa Nostra-centered conception of organized crime in the United States has been criticized for overemphasizing the role of Italian American criminals. Historians have argued that, perhaps with the exception of New York City, Cosa Nostra never had such a dominating position within the underworld and that there were other important groups actually profiting from a tunnel vision on the Mafia (Jenkins & Potter, 1987). Criminologists also have pointed out, as will be examined more closely in later chapters, that Cosa Nostra as an organization has relatively little to do with the day-to-day commission of crimes and that its influence within the underworld, even under favorable conditions, has remained limited (Reuter, 1983). Finally, there is a persistent argument that conceptions of organized crime tend to center on powerless, marginalized social groups, such as Italian immigrants in the United States, while ignoring the harm done by crimes of the powerful (Pearce, 1976; Rawlinson, 2002; Woodiwiss, 2001).

There is an entire literature that seeks to explain why certain views on organized crime have become prevalent while others failed to gain broad acceptance. This literature has highlighted a number of institutional and political interests and cultural influences that have come to shape perceptions of organized crime (Hobbs & Antonopoulos, 2013; Kelly, 1978; Sheptycki, 2003; Smith, 1975, 1976, 1991; Van Duyne, 2004; Van Duyne & Nelemans, 2012; von Lampe, 2001a; Woodiwiss, 1990, 2001, 2003; Woodiwiss & Hobbs, 2009). At this point it must suffice to note that the way organized crime has been conceptualized since the early 1800s has always been a matter of choice and a matter of convenience.

OVERVIEW OF DEFINITIONS OF ORGANIZED CRIME

The meanings that have been attached to the term organized crime are more diverse, of course, than could be highlighted in the brief account of the conceptual history presented in the previous section. There is not just a narrow,

Mafia-centered conception competing against a broad one pertaining to a wide array of crime phenomena. To clarify the complexity of views, it helps to systematically look at the various definitions of organized crime that have been proposed. Scholars, law enforcement officials, journalists, and politicians “have turned defining organized crime into an industry” (Beare, 2003b, p. 159), and the number of definitions is continuously growing.

As others have pointed out before, most of these definitions are not definitions in the strict sense of the word but mere descriptions (Reuter, 1994; Van Duyne, 2003). Definitions are supposed to precisely delineate the boundaries of something by providing clear rules for deciding where something begins and ends. Many definitions of organized crime are too vague and ambiguous to meet this requirement (Van Duyne, 2003) and are therefore of only very limited value in the context of research, legislation, and policymaking. However, for the present purpose of analyzing the scope of different meanings attached to the term organized crime, these shortcomings do not pose a fundamental problem.

Three Notions of the “Nature” of Organized Crime: Activity, Structure, Governance

There are at least three different notions of the core nature of organized crime: one centered on criminal *activity*, one centered on criminal *organization*, and one centered on illegal *governance*. According to one view, organized crime is primarily about crime. Many definitions in essence state that organized crime is crime. Organized crime, therefore, is seen as a specific type of criminal activity. What makes crime organized is either the nature of these activities or the criminals behind them. Criminal activities are regarded as being organized, for example, because of a certain level of sophistication, continuity, and rationality, or by a certain level of harm. Take, for example, this definition by Samuel Porteous in a study prepared for the Canadian government: “Organized crime encompasses any organized *profit-motivated criminal activities* [emphasis added] that have a *serious impact* [emphasis added]” (Porteous, 1998, pp. 1–2, 10).

Another view holds that it is not so important what offenders do or how they do it but how offenders are linked to and associated with each other. Organized crime, then, is about some form of organization of criminals in contrast to lone, independently operating offenders. The FBI, for example “defines organized crime as any *group having some manner of a formalized structure* [emphasis added] and whose primary objective is to obtain money through illegal activities” (Federal Bureau of Investigation, n.d.).

Finally, there is a view that organized crime does not have to do primarily with specific forms of criminal activities or specific forms of criminal organization but with the concentration of illegitimate power in the hands of criminals. In one scenario, criminals create an underworld government that controls, regulates, and taxes illegal activities. In another scenario, criminals gain influence in legitimate society by either replacing legitimate government or by entering into alliances with corrupt members of political and business elites for the purpose of manipulating the constitutional order in their favor. From this perspective, the term organized crime denotes primarily a systemic condition.

Alan Block has argued that organized crime can be understood as “a *social system* [emphasis added] . . . composed of relationships binding professional criminals, politicians, law enforcers, and various entrepreneurs” (Block, 1983, p. vii; see also Albin, 1971, pp. 63, 77; Ianni & Reuss-Ianni, 1976, p. xvi).

Notions About Criminal Organization

Apart from these fundamental categorizations of organized crime (activity, structure, governance), there are a number of other definitional controversies on a smaller scale. Those who regard the organization of criminals as a key aspect, including those who define organized crime as crime committed by members of criminal organizations, do not agree on the defining criteria for these criminal organizations. This controversy mainly runs along the lines of structure and size.

Some definitions do not contain any qualifying criteria for the organization of criminals. Political scientist Roy Godson, for example, in his definition of organized crime accepts a broad range of structural forms:

Organized crime refers to *individuals and groups* [emphasis added] with ongoing working relationships who make their living primarily through activities that one or more states deem illegal and criminal. Organized crime can take a *variety of institutional or organizational forms* [emphasis added]. This includes tight vertical hierarchies with lifelong commitments, as well as looser, more ephemeral, nonhierarchical relationships. (Godson, 2003c, p. 274)

Other definitions establish certain minimum standards that criminal organizations have to meet in order to be classified as organized crime. Criminologist John Conklin, for example, emphasizes enduring, formal structures:

Organized crime has the characteristics of a formal organization: a *division of labor, coordination* [emphasis added] of activities through *rules and codes* [emphasis added], and an *allocation of tasks* [emphasis added] in order to achieve certain *goals* [emphasis added]. (Conklin, 2010, p. 73)

As far as size is concerned, most definitions that address this aspect set the minimum limit at three participants. There are, however, also definitions according to which two criminals are sufficient to constitute organized crime. In Australia, for example, the Queensland Crime and Misconduct Act 2001 defines organized crime in essence as criminal activity that involves two or more persons (see also Chapter 14).

Violence and Corruption

There are also differences in opinion regarding the use of violence and corruption. For some, these are defining features of organized crime. In fact, one of the very first definitions of organized crime stated that it “is a technique of violence, intimidation and corruption” (Special Crime Study Commission on Organized Crime, 1953, p. 11). In other definitions, violence and corruption

appear only as possible attributes of organized crime, while in yet others these two aspects are not mentioned at all.

Profit and Politics

Finally, an important controversy surrounds the question what aims criminals and criminal organizations, respectively, have to pursue in order to qualify as organized crime. Some definitions emphasize material gain as the central motif of organized crime and implicitly or explicitly exclude political goals (Abadinsky, 2013, p. 3; Lebeys, 2007, p. 17; Valencic & Mozetic, 2006, p. 130); others add power and political influence, though mostly as a means to economic ends (Finckenauer, 2005, p. 81; Rhodes, 1984, p. 4; Winslow & Zhang, 2008, p. 430). Yet, there are also definitions of organized crime that include political or ideological agendas (Chibulushi, Sharp, & Shah, 2006, p. 156; Clark, 2005, p. 105; Swain, 2009, p. 5), which leads to an overlap of the concepts of organized crime and terrorism.

Accounting for the Diversity of Definitions of Organized Crime

The lack of consensus in the definition of organized crime, as has already been pointed out, should not come as a surprise. This is a reflection of the different ways in which reality can be constructed and the different factors that influence the social construction of reality. It is not something, of course, that is unique to organized crime. Similar conceptual confusion also surrounds related issues such as gangs, corruption, or terrorism as well as more general sociological concepts such as society, family, group, and organization.

All definitions of organized crime, including those proposed by scholars, are in the last instance shaped by practical and political considerations or simply by individual preferences. After all, there is not the one imperative conception of organized crime dictated by reality that would effectively rule out any such external influences. In some respects, it appears to be a political decision how organized crime is defined. For example, there are different rationales for arguing that the use of violence is a defining characteristic of organized crime. One rationale, arguably, is the desire to protect social elites, who tend to be involved in nonviolent rather than violent criminal activity, from the stigmatizing label of organized crime. Similarly, the decision on whether or not to include politically motivated crime in the definition of organized crime can be influenced by considerations of whether or not the same law enforcement unit or agency should have jurisdiction over profit-oriented crime as well as cases of terrorism. In fact, that is the reason why, for example, the official German definition of organized crime explicitly excludes terrorist acts (Kinzig, 2004, p. 57).

In other cases, attempts to define organized crime rest on the notion that somehow a level of certainty exists about what organized crime is. This certainty, however, rests on shaky grounds. Three lines of argument can be discerned. Ideas about the nature of organized crime are often derived from the analysis of specific empirical phenomena. For example, when in 1967 a Presidential commission in the United States famously defined organized crime along the lines of its perception of the Italian American Mafia or Cosa Nostra,

this meant that everything not closely resembling the Cosa Nostra would not be considered organized crime. Apart from the fact that the commission's interpretation of Cosa Nostra has been highly controversial, the tunnel vision on Cosa Nostra can be viewed as having been arbitrary and misguided to begin with. Sometimes, a notion of certainty about the nature of organized crime is also derived from what "most observers agree" on (Maltz, 1994, p. 25). This means that organized crime is what a majority, for whatever diverse reasons, believes organized crime to be (see, e.g., Abadinsky, 2013, p. 2; Albanese, 2011, p. 4; Hagan, 2006; Finckenauer, 2005).

Finally, a notion of the nature of organized crime is sometimes deduced from the words organized and crime themselves (Kollmar, 1974, p. 2). At times, what is taken as the literal meaning of organized crime, for example "crime that is organized," is then narrowed down to something believed to be "true organized crime" (Finckenauer, 2005, p. 76). In any case, taking the literal meaning as the basis for a definition leads to the peculiar consequence that the meanings each of these two words, organized and crime, have separately acquired in common language usage determine what empirical phenomena are being viewed within one conceptual framework of organized crime.

OUTLINE OF A CONCEPTUAL FRAMEWORK FOR THE STUDY OF ORGANIZED CRIME

The review of the various definitions of organized crime leads back to the question of how to deal with the existing conceptual confusion from a social science perspective. As has been argued in Chapter 1, a definition is a possible outcome of the study of organized crime, but there is no definition that could meaningfully delineate the study of organized crime as a field of research. At least, this is true for the time being as long as there exists no profound understanding of the interplay between the various phenomena that have been labeled organized crime. To clarify this point, it may help to talk about the weather for a moment. Defining the concept of "weather" is facilitated by the insights that meteorologists have gained into how factors, such as temperature, clouds, precipitation, wind, and barometric pressure, influence and depend on each other. Comparable insights have not yet been produced in the study of organized crime about the interplay of such factors as the individual characteristics of organized criminals, the logistical requirements of particular criminal activities, or the structural features of criminal organizations.

The alternative to a field of study delineated by an all-encompassing definition is, as already indicated, to depart from the concept of organized crime as an analytical category and to shift attention to the underlying phenomena that according to one view or the other have been associated with organized crime. It is on the level of these underlying phenomena, such as illegal markets and criminal organizations, that definitions make much more sense.

This line of reasoning follows a number of scholars who are skeptical of the scientific value of the concept of organized crime because it is "too vague and too contradictory" (Van Duyne, 2000, p. 370). Dwight C. Smith formulated his fundamental critique of the concept of organized crime as early as 1971:

How should the problem of defining organized crime be approached? Very simply: by not looking for organized crime itself. As a contrived concept, at least in contemporary usage, it does not possess its own logic, but requires interpretation from a variety of viewpoints. The question is not: "What is organized crime?" Rather, the question is: "What insights may be obtained from history, economics, sociology, psychology—even philosophy and theology—that would facilitate efforts to understand why the phenomena we categorize as organized crime occur, and what forces trigger their occurrence?" (Smith, 1971, p. 63)

From a similar angle, the German criminologists Ulrich Eisenberg and Claudius Ohder have suggested that it might be appropriate to avoid the category organized crime altogether and, instead, to break it down into a larger number of concrete research questions and aspects (Eisenberg & Ohder, 1990, p. 578). However, this view neglects the function of the term organized crime as a somewhat fuzzy yet useful conceptual "rallying point" for scholars with similar, intersecting, or overlapping research interests.

Basic Dimensions of Organized Crime

In order to come to a clearer, less ambiguous conceptual framework, the concept of organized crime can be broken down, in a first step, into the three basic dimensions that have already been highlighted in this and the previous chapter: criminal activities, offender structures, and illegal governance. Within these dimensions, further meaningful differentiations can be made.

Activity

The first basic dimension of the concept of organized crime pertains to the way criminal activities are carried out. The study of organized crime is concerned with phenomena that fall somewhere on a continuum ranging from spontaneous, impulsive, isolated acts in one extreme to, in the other extreme, criminal endeavors that follow a rational plan, involve the combination of different tasks, and extend over long periods of time. Where exactly organized crime should be positioned on this continuum is not as important as to understand how under conditions of illegality, in an essentially hostile environment, fairly sophisticated, continuous activities are possible. Any kind of illegal activity is of interest for the study of organized crime as long as its examination helps in answering this question. Three main types of illegal activity are at the center of attention in the study of organized crime: (a) market-based crimes involving the provision of illegal goods (e.g. child pornography) and services (e.g., illicit debt collection) to willing customers, (b) predatory crimes such as theft, robbery, and fraud characterized by offender-victim relations, and (c) what could be termed "control-oriented" or "regulatory" or "governance" crimes involving the setting and enforcing of rules of conduct and the settling of disputes in the absence of effective government regulation and, in turn, the taxation of illegal profit-making activities.

Structure

The second basic dimension of the concept of organized crime has to do with the ways criminals are connected to other criminals. These structures can take on various forms with various degrees of complexity and formalization. Again for the study of organized crime, it is not important where a dividing line should be drawn between organized crime and "non-organized crime." The main concern is to understand how it is possible that criminals willingly disclose to others the fact that they are criminals and that they are willing to associate and cooperate with other criminals, even though at first glance this increases the risk of arrest and conviction, given that every confidant and every accomplice is a potential informant and witness. In essence, every case involving offenders that do not strictly operate on their own, in complete social isolation, can offer insights into the organization of criminals, and these cases should not be excluded by an inevitably arbitrary definition of organized crime. There are a number of crucial classifications of offender structures that will be highlighted in later chapters. One key classification pertains to the forms of these structures. There are essentially three forms of relations between offenders: (a) market-based interactions between independent suppliers and customers, (b) interactions between members of one organization who basically follow the same directives, and (c) network-based interactions where both sides make decisions independently but they are bound by underlying social ties.

Governance

The third basic dimension of the study of organized crime, illegal governance, has to do with the amassing and use of power in a way that is more akin to government and politics than to market-based or predatory crime. There are two spheres of society where the power amassed and exercised by criminals may come to bear: underworld and upperworld. In the underworld, that sphere of society where the state has no ambition to regulate behavior other than to suppress it because it is illegal, forms of self-regulation may develop that can take on the form of an underworld government. Individuals or groups may emerge that, as indicated before, set and enforce rules of conduct and settle disputes among criminals and in turn demand a share of illegal profits. Such influence can also extend into the legal spheres of society, especially where the state is weak. This typically occurs in the form of an alliance of criminal, business, and political elites. The overriding question in both cases is how it is possible that crime, the quintessential violation of commonly shared norms and values, can create order, sometimes even enjoying a high degree of legitimacy, as ethically twisted as this order may be.

Other Basic Dimensions

There are other fundamental issues not fully captured by the three basic dimensions of activities, structures, and governance. On the one hand, there is the question of the embeddedness of the activities and structures associated with organized crime in the broader context of society. On the other hand, the question is what role the individual, and individual characteristics, play in shaping these activities and structures. While the embeddedness of organized crime will be specifically

addressed in later chapters (Chapters 9, 10, and 11), the individual organized criminal, although a recurring theme throughout the book, will receive only relatively little attention, given the scarcity of pertinent research (Chapter 13).

Links Between Basic Dimensions

Each of these basic dimensions can be examined separately. For example, there is plenty to study about the logistics of criminal activities, such as drug trafficking or investment fraud, without having to be overly concerned with offender structures. Likewise, there is plenty to study about the way criminals are organized in "networks" and "mafias" without having to be overly concerned with the particulars of the criminal activities they engage in. Yet, against the background of the debate on organized crime, questions should also be raised about the extent to which these dimensions are interdependent. For example, one may wonder if there is a connection between the way criminal activities are carried out and the way offender structures are shaped. As will be discussed later in this book (Chapters 5 and 6) an argument can indeed be made that how offenders organize themselves is influenced by the activities they engage in. Similarly, it has been argued that illegal governance structures depend on the prevalence of particular types of crime, namely criminal activities such as illegal gambling that are carried out on a continuous basis and are highly visible and therefore easy for an underworld government to monitor. Of course, more complex interconnections can also be explored. Interrelations potentially exist between individual offender characteristics, the form of offender structures, the nature of criminal activities, the form and extent of illegal governance structures, and environmental variables, such as community support for criminals, demand for illegal goods and services, and the intensity and direction of law enforcement pressure. This entails exploring, in as many social and historical settings as possible, how the phenomena in question vary in time and space and in what combinations they appear (von Lampe, 2003a, p. 43). With this kind of approach to the study of organized crime, the focus shifts from the question, What is organized crime? to the question, How organized is crime, and how organized are criminals under specific circumstances?

THE CONCEPT OF ORGANIZED CRIME: SUMMARY AND CONCLUSION

In the introductory chapter and in this chapter an important distinction has been made between social reality and the construction of social reality. While the term organized crime is often used in the public debate and in the scholarly literature as if it denoted a clear and coherent phenomenon, it is in fact an ever-changing, contradictory, and diffuse construct. As Michael Levi has observed: "Like the psychiatrist's Rorschach blot, its attraction as well as its weakness is that one can read almost anything into it" (Levi, 2002b, p. 887). Myriad aspects of the social universe are lumped together in varying combinations within different frames of reference depending on the respective point of view of the observer. While these

various phenomena by themselves may be perfectly real, it is only on the conceptual level that they are brought into one unifying context (von Lampe, 2001a; von Lampe, 2008c).

Accordingly, when the debate on organized crime is boiled down, there is not one core understanding of the nature of organized crime to be found. A lot of the confusion in the debate can be explained by the failure to realize that there are different ways to conceptualize organized crime and that each approach can lead to different understandings and assessments of the very same situation. For example, drugs may be trafficked through a chain of independent sellers and buyers. From one point of view this may not seem to amount to much since there is no organization, while from another angle the smooth and efficient way in which the drugs are moved from hand to hand may look like a prime example of organized crime.

It is also important to acknowledge that the various facets of the overall picture are not static. Whereas definitions of organized crime have a tendency to focus on one specific constellation of these facets, for example, criminal organizations using violence and corruption, it seems far more adequate to place the emphasis on the fluidity and diversity of the constellations in which the various attributes ascribed to organized crime manifest themselves—for example, under what circumstances criminal organizations emerge and under what circumstances these criminal organizations resort to violence and corruption. Rather than opting for one particular perspective, therefore, it is much more appropriate to break down the concept into a number of smaller-scale categories. On the most abstract level the discussion in this book will follow the distinction of the three basic dimensions pertaining to how crimes are committed, how criminals associate and interact with other criminals, and how power is amassed and used by criminals to control other criminals and to gain influence in legitimate society.

Discussion Questions

1. What element in definitions of organized crime is politically the most controversial?
2. What consequences does it have to include terrorism in a definition of organized crime?
3. Imagine no one would ever have come up with the concept of organized crime, would this make a difference for law enforcement?
4. Imagine no one would ever have come up with the concept of organized crime, would this make a difference for social science research?

Research Projects

1. Find a recent report on organized crime and determine with what meaning(s) and how consistently the term organized crime is used.
2. Do a full-text search of a newspaper for a period of six months or a year and determine with what meaning(s) and how consistently the term organized crime is used.

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CHAPTER 3



Organized Crime Research

THE STUDY OF ORGANIZED CRIME AS AN ACADEMIC SUBDISCIPLINE

The study of organized crime is not the exclusive domain of scholars. Investigative journalists as well as crime analysts embedded in law enforcement agencies have made important contributions to the understanding of the organization of crimes and criminals. Still, it is only with the establishment of the study of organized crime as a systematic academic endeavor that a coherent body of knowledge has begun to take shape.

An academic discipline is constituted by a self-referential system comprising elements such as specialized journals, professional associations, university courses, and textbooks. By this measure, the study of organized crime has emerged, since the 1960s, as at least a separate subdiscipline within the broad field of criminology and the social sciences.

There are three established academic (peer-reviewed) journals with an exclusive or major focus on organized crime: *Crime, Law and Social Change*, which has the longest tradition and highest prestige among the three journals; *Global Crime*, which has previously been published under the name *Transnational Organized Crime*; and *Trends in Organized Crime*, the journal which is affiliated with the International Association for the Study of Organized Crime (IASOC) and the only one of the three currently with an exclusive focus on organized crime. The editorial boards of these journals have partially overlapping membership, indicating the density of the overall network of scholars in this field. Two professional associations provide additional structure, IASOC and the Standing Group Organised Crime of the European Consortium for Political Research (ECPR). Finally, there are regular meeting places for scholars interested in organized crime, either at larger conferences, such as those of the American and European societies of criminology (ASC and ESC), or at thematically focused conferences and workshops, such as the Cross-Border Crime Colloquia held annually at changing locations throughout Europe since 1999.

Courses on organized crime have been regularly taught in criminology and criminal justice programs in the United States for decades, with universities in other parts of the world, especially Australia and Europe, now following suit. A number of textbooks focusing specifically on organized crime have been published since the mid-1970s. The two current textbooks with the longest tradition, authored by Howard Abadinsky and Jay Albanese, respectively, saw their first editions in the 1980s.

While scholars interested in organized crime are scattered all across the globe, certain centers of research activity have emerged since the 1990s. Some of these research centers are institutionally independent, like the Centre for the Study of Democracy (CSD) in Sofia, Bulgaria, or the Institute for Security Studies (ISS) in South Africa. Some are integrated into governmental structures, such as the Research and Documentation Center (WODC) of the Ministry of Security and Justice in the Netherlands and the Council for Crime Prevention (Brå) in Sweden. Some are affiliated with universities, such as CIROC in the Netherlands, Transcrime in Italy, Ghent University's Institute for International Research on Criminal Policy (IRCP), and the Terrorism, Transnational Crime and Corruption Center (TraCCC), a research institute with headquarters at George Mason University in Virginia and various branches in Russia, Ukraine, and the former Soviet Republic of Georgia. Some universities have become centers of organized crime research, not by virtue of formal structures but because of continuous research by scholars, including PhD students, with a specialization in organized crime studies, for example San Diego State University in California, Rutgers University in New Jersey, John Jay College of Criminal Justice in New York, the University of Montreal in Quebec, Cardiff University in Wales, Tilburg University in the Netherlands, and the University of Leuven in Belgium. Several supranational research and documentation centers, finally, like the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) in Lisbon, the United Nations Office on Drugs and Crime (UNODC) in Vienna, or the Geneva-based International Organization for Migration (IOM) have made significant contributions to the study of organized crime in specific areas, namely drug trafficking, human trafficking, and human smuggling.

THE HISTORY OF THE STUDY OF ORGANIZED CRIME

Research on organized crime predates by several decades the development of a distinct subdiscipline. The history of the study of organized crime in many ways reflects the conceptual history of organized crime with science repeatedly taking cues from the public debate. The development can be roughly divided into five phases, a classical period in the 1920s, followed by what might best be termed a "journalistic period" from the 1930s through the 1960s. The late 1960s saw the emergence of an academic literature critical of the mafia paradigm that had come to dominate official and public perceptions of organized crime. Since the 1980s a gradual shift has been taking place away from the heavy emphasis on disputing the mafia paradigm to a more bottom-up analysis of the phenomena labeled organized crime.

Scientific interest in organized crime dates back to at least the second half of the 19th century, when Italian scholars such as criminologist Cesare Lombroso and ethnologist Giuseppe Pitre began to look at the phenomena of Mafia and

Camorra in southern Italy. But as far as can be discerned, it was not until the 1920s that the term organized crime entered the scientific vocabulary.

The Pioneers: Frederic Thrasher and John Landesco

The first scientific studies that applied the concept of organized crime were conducted in the United States: Frederic Thrasher's *The Gang*, originally completed as a doctoral dissertation in 1926, and John Landesco's *Organized Crime in Chicago*, published in 1929. Given the history of the concept of organized crime, it is not surprising that these studies came out of Chicago, where the term was first coined (see Chapter 2).

In *The Gang*, Frederic Thrasher attempted to present a systematic analysis of the juvenile gang phenomenon in Chicago. In one chapter, "The Gang and Organized Crime," however, he also examined adult gangs. Similar to the discussions of the Chicago Crime Commission that Thrasher repeatedly cited, organized crime to him was not so much a matter of particular criminal organizations but of the underworld as a whole in the sense of a criminal community within which gangs were only one, albeit an important, element. Gangs, Thrasher observed, provide criminals fellowship, status, excitement, security, and the chance to better profit from crime. At the same time, he saw gangs being enlisted by businesses, labor unions and politicians in violent confrontations over economic and political interests, thereby constituting an important link between underworld and upperworld (Thrasher, 1927/1963).

John Landesco's study of organized crime in Chicago similarly looked at the "social world" (Landesco, 1929, p. 1087) of criminals and the broader societal context, although his focus was specifically on the prominent gangs and gangsters of his day and their respective historical predecessors. Landesco argued that gangsters were the product of social conditions that had existed long before Prohibition. The only significant change he noted was that the relations between gangsters and between underworld and upperworld had become more business-like and less reliant on close social ties, such as a "neighborhood play group."

Thrasher and Landesco did not immediately inspire any other researchers to conduct similar studies. While organized crime appeared as a theme in some theoretical and empirical publications in the 1930s, 1940s, and 1950s, for example, Frank Tannenbaum's *Crime and the Community* (1951) and William F. Whyte's *Street Corner Society* (1943/1981), no coherent scientific debate developed for the next forty years.

The Journalistic Period

Research on organized crime during the 1930s through 1950s was primarily the domain of journalists. Herbert Asbury, for example, wrote a number of books on the underworlds of major U.S. cities of which his early work *Gangs of New York* (Asbury, 1927) is the best known to this day (see also Asbury, 1933, 1942). In contrast to Asbury's ambitious writings, which have received some recognition by scholars, many journalistic accounts of organized crime of that era have



Image 3.1 Gangster funerals such as that of Angelo Genna, a major player in the illegal alcohol business and Capone ally who had been slain in May of 1925, served John Landesco to elicit the position Chicago underworld figures occupied in society. Genna's high standing was evidenced by the front ranks of the mourners, among them a State Senator, several other politicians as well as leading members of the underworld. Three hundred cars followed the coffin, including thirty cars containing flowers (Landesco, 1929, p. 1035).

Photo: Bettmann/Corbis

been dismissed as sensationalist and outright bizarre. These books promoted imagery of all-powerful nationwide or even global criminal organizations. As early as 1935, newspaper reporter Martin Mooney described a "super-racketeering organization of Crime, Incorporated" in which criminals were the junior partners of politicians and businessmen (Mooney, 1935, p. 8). Others saw the Sicilian Mafia at work in the United States. The Mafia, they claimed, constituted a global "super-government of crime" (Reid, 1952, p. 25) with influence in the White House and connections reaching as far as Russia and China (Lait & Mortimer, 1950, p. 176).

Donald Cressey

As indicated in Chapter 2, the notion that organized crime manifested itself in one all-encompassing criminal organization increasingly dominated the public

by researchers, namely PhD students, who then move on to other areas, while only very few scholars consistently work on organized crime for extended periods of time. This is in part because of the lack of funding. What Kenney and Finckenaue have noted in 1995 is still true today: Funding for organized crime research is limited and sporadic (Kenney & Finckenaue, 1995, p. 356). It may also be that because of the interdisciplinary nature of the study of organized crime, it is not a field that is appealing to young scholars who usually feel the need to establish themselves firmly within their own discipline. The “quantitative bent of modern criminology” creates an additional disincentive for researchers, as statistical data on organized crime are difficult to develop (Reuter, 1994, p. 91).

The lack of continuity in organized crime research, in turn, hampers continuous communication and the emergence of a common terminology among scholars that would help overcome talking at cross purposes. While there are fairly established conceptual frameworks in some areas of research, namely in the analysis of illegal markets and in the area of criminal network analysis, overall there is not much of a common language that scholars of organized crime share.

A lack of continuity also works against the coordination of research and cooperation between researchers nationally and internationally. Given the importance of comparisons for the development of social science theories in general and the value of comparative research for the study of organized crime in particular, this is highly problematic. Finally, continuity is important for developing trustful relationships between researchers on one hand and data owners, including law enforcement agencies, private sector entities, offenders and victims, on the other. It may take years until organized crime researchers gain access to information they need. Few have the resources and the patience to be that persistent.

So although there are no fundamental obstacles in studying the phenomena labeled organized crime, there are a number of factors that have hampered the emergence of a coherent, cumulative body of knowledge about these phenomena. Accordingly, what will be presented in the following chapters are clusters of knowledge that are often fragmented and inconsistent and lack overall coherence.

RESEARCH ON ORGANIZED CRIME: SUMMARY AND CONCLUSION

The study of organized crime is characterized by separate, only loosely connected lines of research. The largest clusters of research are centered on illegal enterprises and illegal markets, illegal governance structures, criminal networks, and analyses of specific criminal activities. While challenges do exist, research on organized crime has not encountered insurmountable obstacles. In particular, researchers have been able to gain direct access to organized criminals and have conducted interviews relating to their activities and to the organizational structures they are or have been a part of.

Arguably, the main challenge for the study of organized crime comes from a lack of institutional support. Research on organized crime tends to be multidisciplinary and interdisciplinary and is therefore difficult to fit in an academic system built on the distinction of disciplines. Obtaining funding for studies on

organized crime also faces specific difficulties in that access to data tends to be more time consuming and plagued with more uncertainties than is the case for other areas of criminological and social science research. This means that research on organized crime cannot as easily be conducted within the rigid time frames commonly set by grant-giving institutions. The solution would be the creation of independent research centers with long-term secured funding.

Discussion Questions

1. What is the best way to collect data on organized crime?
2. Should researchers be allowed to infiltrate a criminal gang in order to study it?
3. Who do you think is better to talk to for a researcher, an incarcerated gangster serving a life prison sentence or a gangster who is still in the business?
4. What dangers do researchers face who study organized crime?

Research Projects

1. Interview someone you know personally who is or has been involved in organized criminal activity.
2. Examine discarded cigarette packs in your neighborhood to estimate the prevalence of contraband cigarettes.

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PART II



Empirical Manifestations of Organized Crime

INTRODUCTION TO PART II

The previous three chapters have dealt with the debates surrounding the concept of organized crime and how the social sciences have responded to these debates. Beginning with the following chapter on organized criminal activities (Chapter 4), the focus shifts to the underlying empirical phenomena. For much of the remainder of the book, the discussion is centered on the actions and structures that, according to one view or other, are associated with organized crime.

The approach taken here differs from conventional treatises of the subject that commonly attempt to cover all or at least the most notorious manifestations of organized crime one by one. Organized criminal activities, for example, are typically discussed in terms of a set of crimes, such as drug trafficking, human trafficking, and illegal gambling, that are believed to be committed in an organized fashion or committed by criminal organizations. For each crime category, then, information is presented in greater or lesser detail pertaining to, for example, the volume of crime and illicit profits and the criminal groups involved in these activities. Sometimes, select high-profile cases are at the center of attention.

While these descriptive accounts are interesting, their value is limited from an analytical perspective, when it comes to answering the questions researchers of organized crime are concerned about. In the following chapters, descriptions of particular organized crime phenomena will only be presented in an exemplary fashion in the form of case studies and illustrative examples. The main emphasis is placed on more general underlying patterns.

The study of organized crime as a scientific endeavor strives to gain deeper insights that go beyond a particular case. Researchers seek to arrive at generalizations that help to understand broader classes of cases. For example, when researchers look at a local drug market they do so with a view to a bigger picture. They either try to come up with general statements about how under given circumstances local drug markets emerge, how they are structured, how they

function, how they react to outside influences, and so forth. This is done by comparison between different local drug markets and between different phases in the development of a local drug market. Or, in the opposite direction, researchers apply general statements derived from previous research to understand why a particular local drug market is shaped and structured and functions in a particular way. Such a scientific approach, as opposed to a journalistic approach, entails the development of clear and coherent conceptual frameworks that can be systematically applied to different cases. Conceptual frameworks are sets of interrelated concepts with which to organize research and theorizing. They establish for a particular subject matter what aspects of reality are important to look at and from what perspective and what possible relations between these aspects need to be explored in order to solve a problem or answer a particular question. It is primarily through the lens of such general conceptual frameworks that organized criminal activities and organized criminal structures will be examined in the following chapters.

CHAPTER 4



Organized Criminal Activities

WHY STUDY ORGANIZED CRIMINAL ACTIVITIES SEPARATE FROM CRIMINAL ORGANIZATIONS?

Drug trafficking, human trafficking, arms trafficking, illegal gambling, extortion, and the like are part and parcel of the imagery surrounding organized crime. Yet, it is not a given to start an empirical and theoretical discussion of organized crime with a discussion of criminal activities. As noted before, there is a long-lasting controversy over whether organized crime should be conceptualized primarily in terms of activities in the sense of crimes that are organized, or primarily in terms of structures in the sense of the organization of criminals (see Cohen, 1977, p. 98; Finckenaue, 2005, p. 76). If one equates organized crime with criminal structures, one tends to define organized criminal activities as those that are committed by criminal organizations (see, e.g., Abadinsky, 2013). From this vantage point, criminal activities may not even deserve attention separate from the examination of criminal organizations.

The approach taken here follows a different rationale, one that assumes that criminal activities are important to study in their own right and are usefully examined *prior* to examining criminal organizations. There are several considerations that come into play here. First, in a lot of what criminals do they act in a particular way not because someone, say a “mafia boss,” told them to but because a particular kind of behavior is inherent in the nature of the specific criminal activity they are engaged in. In order to successfully commit a particular crime, certain routines may have to be followed and certain techniques may have to be employed. For example, in the processing of cocaine, certain raw and intermediate products have to be mixed with certain chemicals in certain ways (see the case study of cocaine production and trafficking below) irrespective of who does it. The variation and complexity of these criminal activities makes them an interesting subject to study in their own right, and a better understanding of their nature is a necessary precondition for devising successful countermeasures (Clarke & Brown, 2003, p. 206). For example, the monitoring and

control of the sale of precursor chemicals may help in curbing the production of illegal drugs (see, e.g., Cunningham, Liu, & Callaghan, 2009).

Second, as already indicated, the nature of criminal activities can help answer important questions with regard to other aspects of organized crime, namely, why criminal organizations emerge in the first place and how they are shaped and structured. A key question in the study of organizations in general and in the study of criminal organizations in particular is, "Does an organization determine its actions, or do actions determine an organization?" (Smith, 1994, p. 121). Many scholars believe that to a large extent the latter is the case. Joseph Albin, for example, has argued that "criminal groups are dynamic entities, not static ones," and that "they change with the nature of the criminal acts they commit" (Albin, 1971, p. 49; see also Potter, 1994, p. 120). According to this view, organizational structures need to be viewed primarily as "emergent properties" of criminal behavior (Cornish & Clarke, 2002, p. 52), as an "outcome" rather than a precondition for organized criminal activities (van Duyne, 1997, p. 203).

Third, looking separately at the nature of criminal activities helps to explain the emergence of power syndicates. As mentioned before, the term *power syndicates*, following a classification proposed by Alan Block, refers to criminal groups that extort illegal businesses or *enterprise syndicates*, in Block's terminology (Block, 1983, p. 13). It has been argued that the type of criminal activity enterprise syndicates engage in determines how prone they are to falling under the control of power syndicates. For example, activities that are carried out on a more regular basis and are more visible, such as the operation of an illegal gambling casino, are believed to make enterprise syndicates more vulnerable to extortion than activities of a more clandestine nature, such as the theft of cars (see Schelling, 1971).

Finally, the nature of criminal activities potentially influences the relationship between (organized) crime and society. Crimes that create victims, such as the theft of cars, will entail a more hostile environment for criminals than the provision of illegal goods and services to a demanding public, such as the sale of alcohol during Prohibition (see Potter, 1994).

OUTLINE OF THIS CHAPTER

The discussion of organized criminal activities in this chapter begins with two case studies, (a) cocaine trafficking and (b) the trafficking in stolen motor vehicles. Both types of crime are widely regarded as constituting manifestations of organized crime, and they will serve as reference points in this and later chapters in the book. It is important to understand what offenders are doing and what skills, tools, and other resources they need to employ in the process of committing these crimes.

Against the backdrop of the two case studies, organized criminal activities will then be more generally examined from three distinct angles. One angle is to ask to what extent there is a difference between organized and non-organized criminal behavior. It is argued that there are differences in degree, while it is futile to have a debate about where exactly a dividing line should be drawn. Another angle is to classify those crimes that are more organized than others. The question is by what criteria one can meaningfully group the various kinds

of organized crimes into different categories for the purpose of scientific analysis, that is, to avoid comparing apples and oranges. One clarification that will be advocated is the distinction between market-based crimes, predatory crimes, and illegal-governance crimes. The third angle, finally, is to look at a specific organized criminal activity and its component parts. There are two approaches that are of relevance in this respect, script analysis and the so-called Logistics of Organized Crime approach. The script and logistics approaches help break down specific kinds of complex criminal endeavors into their component parts, so that one gets a better understanding of what exactly criminals do, how they do it, and ultimately, what can be done about it. The level of detail that can be found in script and logistical analyses is only hinted at in the following descriptions of cocaine trafficking and the trafficking in stolen motor vehicles.

CASE STUDY: COCAINE TRAFFICKING

Cocaine trafficking is an example for an illegal trade with global ramifications. It is notorious for the involvement of so-called drug cartels, such as the Cali Cartel and the Medellín Cartel under the leadership of infamous drug barons, such as Pablo Escobar. These phenomena will be addressed in later chapters. Here, the focus is on the criminal activities making up the trafficking of cocaine as such, irrespective of the involvement of criminal organizations.

Coca and Cocaine

Cocaine is a psychoactive alkaloid, a chemical compound containing nitrogen, which is extracted from the leaves of certain varieties of the coca plant, a small to medium-size evergreen shrub. Most cocaine is produced from the *Erythroxylum coca* var. *Coca* (ECVC) variety that grows naturally at altitudes between approximately 500 and 1,500 m (1,500–4,500 ft) along the moist tropical eastern slopes of the Andes mountains in Bolivia and Peru. Coca plants have been cultivated here since precolonial times, and its leaves mixed with lime are traditionally chewed by the indigenous population to help relieve altitude sickness, hunger, and fatigue (Casale & Klein, 1993; Freye & Levy, 2009; Rottman, 1997). Although coca plants can be cultivated under different climatic and soil conditions (Casale & Klein, 1993), coca cultivation for the illegal production of cocaine has remained concentrated in the Andes region, namely in the traditional coca-growing countries Bolivia and Peru and, more recently in Colombia (UNODC, 2014b).

The Harvesting of Coca Leaves

Coca bushes can first be harvested about six months after planting and thereafter several times a year. About 700 kg (1,500 lb) of coca leaves, stripped off the bushes by hand, are needed to produce one kilogram of

It is largely a matter of the specific crime in question that determines into how many layers a crime script is best broken down. It may also be appropriate to distinguish different interconnected crime scripts in the case of more complex criminal events that would follow an overarching “master script” (Cornish & Clarke, 2002, p. 50). In the case of the trafficking in stolen motor vehicles, this would mean that there is a separate script for obtaining a car and a separate script for altering the identity of the car.

Finally, Cornish and Clarke suggest examining the links between crime scripts within a given geographical area. The emphasis then is not on a strict sequential order of acts and scenes but on “webs of interconnected offending,” where certain elements of different crimes converge (Cornish & Clarke, 2002, p. 51). This is the case, for example, where the same smuggling channels are used for different kinds of contraband (Cornish & Clarke, 2002, p. 59), as has been reported for mixed shipments of cocaine from Latin America and Moroccan hashish going from North Africa to illegal drug markets in Europe (Gamella & Jimenez Rodrigo, 2008, p. 272).

The Logistics of Organized Crime Approach

The Logistics of Organized Crime approach shares many similarities with the crime script approach. It is also an analytical tool with which complex criminal events can be broken down into component parts, and historically, it likewise has primarily been developed as a device to identify points of intervention for preventive and repressive measures. The main difference between the two approaches is that the logistics approach places the main emphasis not so much on a sequential order of decisions and actions, as the crime script approach does. Rather, the focus is on a comprehensive system of tasks, some of which have to be accomplished in a sequential order, some of which have to be accomplished concurrently, possibly over the entire course of a criminal endeavor.

While the notion of criminal logistics appears quite frequently in the organized crime literature on a rhetorical level, the Logistics of Organized Crime approach has remained the only elaborate analytical framework of its kind to date. It was formulated by Ulrich Sieber and Marion Bögel in a study commissioned by the German police agency Bundeskriminalamt (BKA) (Sieber & Bögel, 1993; see also Sieber, 1995) following up on earlier discussions within the BKA (Kube, 1990). Sieber and Bögel developed and applied their conceptual framework in an empirical analysis of four areas of crime: trafficking in stolen motor vehicles, exploitative prostitution, human trafficking, and illegal gambling.

The concept of logistics has its origins in military thinking and has only more recently been introduced to the area of business administration. In essence it pertains to the effective procurement and use of resources—such as materials, tools, personnel, and information—by an organization, be it an army or a business (Gudehus & Kotzab, 2012, p. 4).

Sieber and Bögel (1993) derived their framework primarily from the logistics of legal businesses while also taking aspects into account that are more typical for military organizations. The starting point for the Logistics of Organized Crime approach is the assumption that there are considerable similarities between legal

and illegal businesses. In both cases, goods or services are created and marketed through the coordinated use of required resources. At the same time, there are specific challenges that illegal businesses face, namely with respect to the threat of arrest and incarceration and the threat of the seizure and forfeiture of assets.

Sieber and Bögel differentiate two broad categories of logistics: core business logistics that can also be found in the case of legal businesses and which largely follow a sequential order, and “overarching logistics elements,” which are typical for illegal businesses and which transcend the sequential order of the core logistics (Sieber & Bögel, 1993, p. 115). The core business logistics involve three stages: the procurement of required resources, the production of commodities using these resources, and the marketing of the produced commodities (Sieber & Bögel, 1993, pp. 42–44). Applied to the trafficking in stolen motor vehicles, they differentiate procurement logistics (locating and obtaining a car by various means), production logistics (altering the identity), marketing logistics (transportation and sale abroad), and additionally the logistics of money laundering (use of illicit proceeds) (Sieber & Bögel, 1993, pp. 87–115). The “overarching logistics elements” include the flow of information (e.g., use of coded language), camouflage (e.g., use of legal businesses as fronts), the use of violence and corruption (e.g., to influence accomplices), and legal defense against criminal prosecution (Sieber & Bögel, 1993, pp. 115–124).

Although there are some differences in detail, the classification proposed by Sieber and Bögel is a variation of the crime script approach with regard to the core logistics, but it presents an added dimension with regard to the overarching logistical elements. The question, however, is to what extent the logistics of the flow of information, the logistics of camouflage, the logistics of the use of violence and corruption, and the logistics of the legal defense against criminal prosecution are indeed overarching aspects that pertain to a complex criminal event as a whole. The crime script approach proposed by Cornish and others suggests that it is better to consider these aspects separately within the context of each stage (act, scene) in the process of crime commission. Which approach is preferable, of course, is ultimately determined by the specific circumstances of a given criminal event and by the purpose of analysis.

ORGANIZED CRIMINAL ACTIVITIES: SUMMARY AND CONCLUSION

This chapter has discussed organized criminal activities as a separate object of study but with a view to how it relates to the study of organized crime in general. It has been argued that there are reasons to look at criminal activities separately, especially separate from the existence of criminal organizations, while at the same time emphasizing that the nature of criminal activities may well influence how criminals are organized, how criminals acquire and exercise power, and how crime fits into the broader context of society. The starting point for this discussion has been the assumption that there are differences in degree between organized and non-organized criminal activities and that these differences potentially matter with regard to a number of themes addressed in the study of organized crime.

Against the backdrop of various typologies proposed in the academic literature, a classificatory scheme has been outlined that centers on three-fold

typologies of criminal activities and of illegal markets. Three main types of organized criminal activity were identified: (a) market-based crimes, (b) predatory crimes, and (c) illegal-governance crimes. This typology focuses on the relations between those committing crimes and those directly affected by these crimes. Market-based crimes connect sellers and buyers in illegal markets, while predatory crimes are defined by a confrontational relationship between offender and victim. Illegal-governance crimes, finally, have to do with the exercise of power where relationships resemble those between government and the governed.

The distinction between these three types of criminal activities, like the distinction between different types of illegal markets, has implications for the degree to which crime is embedded in society and enjoys some level of acceptance. Most obviously, predatory crimes will tend to be confronted with a more hostile environment than market-based crimes, although illegal markets for prohibited goods such as child pornography can be expected to face a more hostile environment than illegal markets for goods that are not illegal per se, such as cigarettes. There are also differences in the way criminal activities are carried out. For example, market-based crimes tend to be committed on a continuous basis in fairly regular intervals, as is the case for the distribution of cocaine. Predatory crimes, in contrast, tend to be more dependent on the availability of opportunities, while illegal-governance crimes, for the most part, are committed rather sporadically once a criminal group has successfully established its position of power.

In order to better understand the variations in the level of organization of criminal activities, however, one has to go beyond general classifications and take a close-up look at specific criminal endeavors. Two analytical frameworks for such an in-depth examination have been presented: script analysis and the Logistics of Organized Crime approach. In essence, these are tools for breaking down complex events—such as cocaine trafficking or the trafficking in stolen motor vehicles—into meaningful component parts that can then be examined separately and also with a view to how these components are interconnected. Script analysis and logistics analysis draw attention to what exactly offenders do, what resources and settings they use, and what risks they face when committing a crime. It is important to note, taking cocaine trafficking and the trafficking in stolen motor vehicles as examples that the characteristics of organized criminal activities tend to change from one step to the next in the overall process of crime commission. There are, for example, different demands on the skills, equipment, and materials and different time requirements for the cultivation of coca and the production of coca paste, cocaine base, and cocaine hydrochloride. Roughly speaking, the amount of time required for each step decreases while the level of sophistication of the operation increases from coca cultivation to the production of cocaine. The smuggling of cocaine, in turn, can be carried out in more or less sophisticated and time-consuming ways while the distribution of cocaine places comparatively minor demands on offenders in terms of time and expertise.

Differences in the degree to which the components of a criminal activity are interconnected can be highlighted by way of a comparison between cocaine trafficking and the trafficking in stolen motor vehicles. In the case of cocaine,

each individual step in the sequence of events involves the production of a marketable intermediate or final product (coca leaves, coca paste, cocaine base, and cocaine hydrochloride), followed by a sequence of steps where the final product is moved in the direction of final consumers in increasingly smaller batches. The order of events, of course, follows an inherent logic that cannot be changed. But beyond that, the individual steps are only rather loosely interconnected. For example, by whom and how coca paste is produced, whether using the solvent extraction or the acid extraction method, is not predetermined by the way the coca leaves have been harvested, and it likewise does not determine by whom and how the coca paste is processed and converted into cocaine in subsequent phases of the crime script.

Such a lack of connectedness is not necessarily characteristic of the trafficking in stolen motor vehicles, where an order placed by a customer further down the distribution chain or the availability of a wrecked car may determine what kind of car is being stolen. In turn, how a car is obtained has an impact on what needs to be done to alter its appearance. There are, for example, methods for opening a car that result in the destruction of the door locks that then have to be replaced in order to disguise the fact that the car has been stolen. It should be obvious that such a level of interdependence between the phases in a car trafficking script necessitates a higher degree of coordination across phases than is true for the stages in the process of producing cocaine. The need for coordination, in turn, has potential implications for the way the offenders involved in these activities are linked to each other. However, one needs to be careful not to jump to conclusions. As will be clarified later in this book, the greater need for coordination does not necessarily mean that offenders involved in the trafficking of stolen motor vehicles are more organized than offenders involved in cocaine trafficking. The possible interrelations between the characteristics of a criminal activity and aspects such as the organization of offenders are too complex to permit a definitive statement, at least at this point. The purpose of the discussion in this chapter can only be to highlight variations in organized crimes and to illustrate why these variations may be important to consider in the overall study of organized crime.

The following chapters will revisit these issues from other perspectives in order to arrive at a denser picture. At this point, the various categories of organized criminal activities that have been presented in this chapter are best viewed as pieces of a puzzle that reveal some insights but will reveal much more when assembled with other pieces into a larger picture.

Discussion Questions

1. Which activity is more organized, cocaine trafficking or trafficking in stolen motor vehicles?
2. Which type of crime (market based, predatory, illegal governance) is the most desirable for offenders to be engaged in?
3. Which type of criminal activity poses a greater threat: project crimes or continuing criminal enterprises?

Research Projects

1. Conduct a script analysis of cocaine trafficking.
2. Examine the production of methamphetamine. Identify the different phases in the production and determine the skills and resources required for each and compare this to the production of cocaine.
3. Examine the anti-theft features of a new model luxury car and make an assessment of how offenders involved in the stolen car business might cope.
4. Pick an endangered species, find out to what extent the trade in that species is illegal and how widespread this illegal trade is.
5. Find out the various commercial uses of cocaine before it was made illegal.

Further Reading

Script Analysis and the Logistics of Organized Crime

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CHAPTER 5



Criminal Structures— An Overview

INTRODUCTION

The life story of famous underworld figure Al Capone, briefly summarized in Chapter 1, sheds some light on the many ways in which criminals can be connected to other criminals. Capone led a personal army of paid gunmen as part of a larger alliance of about 180 criminals from various ethnic backgrounds. He was a close associate of his brother Ralph, his cousin Frank Nitti, and his friend Jack Guzik, who shared in the leadership of what became known as the “Capone Syndicate.” The four men were also partners, jointly or separately, in a number of illicit and licit business ventures. It is not possible to capture all of these various types of connections with one notion of “organization.” The purpose of this chapter is to provide an overview of the different forms in which criminals are organized. Most criminal structures do not have a moniker like the “Capone Syndicate” or a formalized structure with membership defined by an initiation ritual like the American Cosa Nostra. Most are more fluid and less easily discernible (Bouchard & Morselli, 2014). However, as will be shown in this and later chapters, they are no less important for understanding what criminals do and how they do it. In fact, the importance of criminal organizations, such as the Italian American Cosa Nostra, for the day-to-day activities of criminals tends to be overrated.

The term *criminal structure* is used here as a generic concept that encompasses terms such as *criminal group*, *criminal organization*, *illegal enterprise*, *illegal firm*, *mafia*, *crime syndicate*, and *criminal network*, which are frequently but inconsistently used in the organized crime literature. A criminal structure, as understood here, is an arrangement of relationships between criminals that have an impact—directly or indirectly—on the commission of crime. Such a broad concept is necessary to account for the variations and dynamics of the patterns of interaction and association that can be observed in the world of crime. It is important to understand and to meaningfully systematize these differences. Just like the differentiation of types of criminal activity discussed in the previous chapter, this is a matter of trying to avoid comparing apples and oranges. It is

important to differentiate criminal structures in a way that helps formulate and answer research questions and aids in devising and implementing sound policy.

There are a variety of classifications of criminal structures that will be reviewed in this chapter. One approach that appears particularly suitable for capturing the variations in the organization of criminals is to classify criminal structures based on the different functions they serve. Some structures help criminals successfully commit crimes, some structures foster social bonds between criminals, and yet other structures regulate and control the behavior of criminals. Another important classification pertains to the degree to which criminals are integrated into delineable organizational structures. In one extreme, criminals interact as autonomous actors in one-off transactions. In the other extreme, they are integral, permanent parts of an overarching organization.

To illustrate the diversity of relational structures that may connect criminals, this chapter begins with a case study of pedophile networks. At first glance, this may appear peculiar because pedophiles hardly fit the cliché imagery of organized crime. But the very fact that pedophiles do not resemble stereotypical gangsters like Al Capone is advantageous in that it provides for an unobstructed view on criminal structures.

CASE STUDY: PEDOPHILE NETWORKS

Pedophiles are individuals, mostly but not exclusively men, who have a “persistent sexual interest in prepubescent children” (Seto, 2008, p. 164). Similar to heterosexuality or homosexuality, this sexual preference emerges early in life and is stable across the lifespan (Seto, 2008, p. 165). Having this preference as such is not a crime, but when pedophiles are acting out their sexual preference, namely by consuming child pornography or by engaging in sexual contact with children, they violate criminal statutes.

The violation of criminal law alone does not warrant any attention in the context of the study of organized crime. What deserves attention is the existence of networks of pedophiles. It can be argued that these networks are prototypical criminal structures as they promote, directly or indirectly, the commission of crimes. At the same time, they do not fit the stereotypical image of criminal gangs or syndicates made up of socially marginalized career criminals. Pedophile networks, as far as can be seen, tend to represent a cross-section of society. Networks of pedophiles have existed in different forms. A political movement aiming at the legalization of pedophile acts emerged in the 1950s and gained some prominence in the course of the sexual revolution of the 1960s and 1970s. Since then, whatever public tolerance for pedophiles might have existed has largely disappeared.

The advent of the Internet has greatly simplified the networking of pedophiles, especially among those that do not want their sexual preference to be known publicly. Online forums permit pedophiles, under the protection of relative anonymity, to come into contact with each other, to communicate, and to exchange child pornography (Holt, Blevins, & Burkert, 2010; Jenkins, 2001). In turn, communication via the Internet has facilitated the establishing of face-to-face contacts within close-knit circles of pedophiles at the local and global levels (Tremblay, 2002).

Manfred Karremann, an investigative journalist, infiltrated the “pedo-scene” in Germany in the early 2000s. The following is a summary of his findings (Karremann, 2007). Karremann presented himself as a pedophile who is financially independent because of a large inheritance and who does not like computers and therefore does not exchange child pornography. With this cover story, Karremann gained access to pedophile self-help groups in Cologne, Munich, and Berlin. These self-help groups met once or twice each month. Some meetings were “official” and open to novices, while to other meetings only “tested” members were admitted. However, even novices first had to undergo a screening procedure and may have needed a member to vouch for them in order to keep unwanted individuals out, namely undercover police officers. At meetings, as well as in online chatrooms, pedophiles discussed how to best cope with being pedophilic without getting depressed and ending up in prison. As Karremann explains, this communication, first of all, meets the individual needs of pedophiles. The feeling of being alone with oneself and one’s thoughts would be difficult to bear for many of these men. The silence that they impose on the children they abuse they themselves have to maintain throughout their life, except with like-minded people (Karremann, 2007, p. 50). In addition, the communication among pedophiles helps to create a specific subculture centered on the notion that it is okay to be pedophilic. In some groups and especially in closed meetings restricted to tested members, which Karremann was able to attend, pedophiles also talked explicitly, and exchanged know-how about their abusive relationships with children. This included discussing tactics about how to approach a child and how to build up and maintain a relationship of material and emotional dependency. Participants also shared information about sex tourism and prices on the child prostitution market. These kinds of meetings, Karremann (2007) concluded, not only strengthen the self-image of pedophiles as being “normal,” but they also provide a basis for further communication, interaction, and cooperation in furtherance of pedophile crimes. For example, addresses of parents who “rent out” their children for sexual abuse are passed on under the seal of confidentiality. Most notably, however, some pedophiles team up to find child victims and to organize the continued abuse of these children. For this purpose, pedophiles may operate in pairs or small groups in places where children typically congregate, such as public swimming pools or playgrounds, to try to identify and contact suitable targets. Sometimes they employ other children or juveniles to initiate these contacts. In one case described by Karremann involving members of a Berlin self-help group, two pedophiles rented an apartment where five boys were enticed to spend their time and play in exchange for the granting of sexual favors. The boys were abused by several pedophiles over the course of a year.

After the police raided the apartment and arrested four men, the head of the Berlin self-help group summoned Karremann to a meeting to confront him with suspicions that he was a police informant. Karremann had to answer questions on his background and was eventually able to dispel doubts in his trustworthiness. It is not clear what would have happened otherwise, but Karremann did not deem his interrogators to be violence prone. One may speculate that the group would simply have severed all ties to Karremann.

Table 5.1 Classifications of (Organized) Criminal Structures

Authors	Focal Point	Categories
Best & Luckenbill	Structure (sophistication)	Loner Colleagues Peers Mob Formal organization
UNODC	Structure (hierarchy)	Standard hierarchy Regional hierarchy Clustered hierarchy Core group Network
McIntosh	Criminal activity	Picaresque organizations Craft organizations Project organizations Business organizations
Beare	Sociopolitical position	Predatory groups Parasitical groups Symbiotic groups
Ianni	Function	Associational networks Entrepreneurial networks
Anderson	Function	Illegal enterprise Quasi government
Block	Function	Enterprise syndicate Power syndicate
von Lampe	Function	Entrepreneurial structures Associational structures Quasi-governmental structures

EXISTING CLASSIFICATIONS OF CRIMINAL ORGANIZATIONS

The case study of pedophile networks, even though it does not pertain to stereotypical criminal organizations, captures many, if not all of the kinds of structures that are addressed in the study of organized crime. Before going into detail and discussing the case study within the conceptual framework adopted in this book, other classifications of criminal structures proposed in the academic literature have to be reviewed. Many of these classifications, to be found in conventional treatises of the subject, are largely descriptive in that they focus on certain observable features, namely the nationality or ethnic background of criminals (Abadinsky, 2013; Lyman & Potter, 2011; Mallory, 2012; Roth,

2010). Other classifications have some theoretical underpinning. There is a wide range of categories by which criminal organizations (in a broad sense) can potentially be grouped—for example, by size and structure, by the type of their activities, by the geographical scope of their activities, and by the relationship to and level of integration into the existing political and economic system (Shelley, 1999a; Table 5.1).

Categorization by Structure

One of the earliest classifications of criminal structures was presented by Donald Cressey (1972). He emphasized varying degrees of formalization or rationality of criminal organizations, marked by the existence of certain positions in a division of labor. According to his classification, criminal organizations can be placed on a continuum. At one end of the spectrum are groups with no internal role differentiation. At the other end Cressey saw formal criminal organizations, best represented, he believed, by Cosa Nostra, with assigned roles for members in charge of obtaining protection through corruption and assigned roles for members tasked with maintaining internal discipline. Joel Best and David Luckenbill (1994) follow a somewhat similar route by proposing to array deviant structures along a continuum of “sophistication” from loner, colleagues, peers, and mobs to formal organizations.

A more recent attempt to arrive at a typology of organized crime groups based on their structure has been undertaken by researchers at the United Nations Office on Drugs and Crime (UNODC). Select U.N. member states were asked to provide information on “the three most prominent organized criminal groups in their country” (UNODC, 2002, p. 11). In comparing the reported phenomena, the UNODC researchers came up with a fivefold typology that differentiates criminal groups primarily by the degree to which they have developed a hierarchical structure, that is, an internal line of command. The five types include the following:

- (1) Standard hierarchy. A group with a centralized authority structure and “strong internal systems of discipline.”
- (2) Regional hierarchy. Like standard hierarchies except that the group consists of regional subunits that enjoy some degree of autonomy.
- (3) Clustered hierarchy. A set of interconnected groups under a common system of coordination and control that encompasses all illegal activities these groups engage in.
- (4) Core group. An unstructured group surrounded by a network of individuals engaged in criminal activities.
- (5) Criminal network. Individuals loosely and fluidly connected “who constitute themselves around a series of criminal projects.” (UNODC, 2002, p. 34)

This typology is the detailed elaboration of a notion that is often found in the debate on organized crime, namely, that criminal structures can be placed on a continuum ranging from bureaucratic, hierarchical organizations to loose and

fluid criminal networks (see, e.g., Shaw, 2006, p. 191). Sometimes the notion is simplified to a dichotomy that means organized criminals are believed to belong to either bureaucratic organizations or to loose and fluid networks. There is also the claim that there is a trend away from criminal organizations to criminal networks—for example, with regard to the Colombian drug cartels of the 1980s and early 1990s compared to the organization of cocaine trafficking in later years (Decker & Townsend Chapman, 2008). This claim, however, may be based more on changing perceptions of drug trafficking structures—and criminal structures more generally—rather than on actual changes in the way drug traffickers are organized (Kenney, 2007).

Categorization by Activity

Mary McIntosh developed a typology of criminal organizations that is closely linked to her classification of criminal activities (see Chapter 4). She distinguished four varieties of criminal organization that she called “picaresque,” “craft,” “project,” and “business” organizations (McIntosh, 1975).

Picaresque organizations, according to McIntosh, are represented by pirates and brigands. These full-time criminals, in order to escape justice, stay in places that are uninhabited and unpoliced. They form gangs under the leadership of a single individual and share the profits from their crimes according to rank (McIntosh, 1975, pp. 29–31). Craft organizations are fairly permanent teams of thieves and confidence men, each performing specific tasks in the routinized commission of skilled but small-scale (craft) crimes (McIntosh, 1975, pp. 35–38). Project organizations are ad-hoc teams of specialists formed for the commission of large-scale crimes, such as burglaries, robberies, frauds, or smuggling operations, involving complicated techniques and advance planning. Sometimes these teams are mustered by an entrepreneur for a specific job (McIntosh, 1975, pp. 42–48). Business organizations, finally, are involved in extortion or the supply of illegal goods and services on a continuous basis. They are, according to McIntosh, the largest in scale and have the most elaborate division of tasks and the most permanent organizational structures. In order to survive, McIntosh surmised, they also need to obtain protection by corrupting public officials (McIntosh, 1975, pp. 50–54).

Categorization by Sociopolitical Position

While McIntosh focused on types of criminal activity to differentiate criminal organizations, she also considered variations in the sociopolitical position of these organizations. Picaresque organizations operate from sanctuaries in remote areas, unless they receive protection from the local population in conflicts with a despised central government (McIntosh, 1975, p. 31). In contrast, craft, project, and business organizations by nature operate in the midst of society, using either stealth or corruption to evade prosecution.

A more recent typology is centered on the relations of criminal organizations to the existing political system. This typology has been proposed by Margaret

Beare (1996). Her typology encompasses two dimensions, the interconnectedness with the state and the legality of the organization as such. Beare argues that criminal organizations vary along a continuum from legitimate groups that engage in criminal activities on the side to groups “that exist for no other reason than to commit crimes” (Beare, 1996, p. 45). In her classification of the different levels of interconnectedness to the state, Beare draws on an evolutionary model of criminal organizations developed by Peter Lupsha (1988, 1996). According to this model, criminal groups may go through three subsequent stages: from a predatory stage where they rely on the use of physical violence to a parasitical stage where risks of prosecution are reduced by corruption and contributions to political parties. In the symbiotic stage, finally, criminal organizations have become an integral part of the political system. The political regime relies for its survival on the collusion with criminals (Beare, 1996, p. 46; see also Chapter 13).

Categorizations by Function

All of the typologies reviewed so far treat variations among criminal structures more or less as a matter of degree rather than pointing to categorical differences. All criminal organizations are conceptualized essentially as enterprises engaged in either the supply of illegal goods and services or in the commission of predatory crimes. However, there are also classifications that emphasize fundamental differences in the purpose and function of criminal organizations. These classifications suggest that there are criminal structures other than illegal businesses and that typologies based merely on organizational design boil down to comparing apples and oranges.

As indicated in the first three chapters, various conceptualizations of organized crime have been proposed that, respectively, distinguish illegal businesses from other kinds of criminal structures. Francis Ianni, in his analysis of the organization



Image 5.1 Angelo Bruno was the boss of the Cosa Nostra in Philadelphia during the 1960s and 1970s. From studying the Cosa Nostra family under Bruno's reign, Annelise Anderson (1979) and Mark H. Haller (1991) concluded that a distinction has to be made between criminal structures that serve economic purposes and those, like Cosa Nostra, that serve non-economic purposes.

Photo: Associated Press

THE THREE BASIC TYPES OF CRIMINAL STRUCTURES

of criminals in the Puerto Rican, Cuban, and African American communities in New York City and Paterson, New Jersey, found that cooperation in illegal activities tends to be rooted in “associational networks” that are held together by close personal ties. Such close bonds may be created, according to Ianni, by familial ties but also, for example, through membership in a youth gang. As a result, there are two kinds of structures that constitute an organizational framework for crimes and criminals: “entrepreneurial networks” that are centered on the commission of crimes, and “associational networks” that provide a basis of trust for those involved in the commission of crimes (Ianni, 1974, pp. 290–293, 307).

Mark H. Haller arrived at a somewhat similar differentiation with regard to the Cosa Nostra family in Philadelphia. Arguing against the claim that Cosa Nostra families are businesses, Haller drew a dividing line between the illegal activities that the individual Cosa Nostra members are engaged in and the functions the Cosa Nostra as an organization performs. According to Haller, there are three functions in particular that Cosa Nostra serves for the benefit of its members. It is a fraternal organization that provides male bonding and social prestige. It is a businessmen’s association that provides contacts and mutual assistance. And it is an institution of self-governance that enforces certain rules of behavior and settles disputes among members and associates (Haller, 1992, pp. 2–4).

The juxtaposition of enterprise structures and governance structures can also be found in other classifications. Anneliese Anderson (1979), in her study of the Philadelphia Cosa Nostra family, distinguished between illegal enterprises run by members or nonmembers and the Cosa Nostra family as a quasi government. Alan Block’s (1983) distinction of “enterprise syndicates” and “power syndicates” refers to the same functional difference; although his emphasis is less on governance and more on the systematic extortion of illegal enterprises in a given territory (see also Schelling, 1971).

When one distinguishes criminal organizations by function, then one arrives at three basic types, adopting the terminology of Ianni (1974) and Anderson (1979): entrepreneurial, associational, and quasi-governmental criminal structures (Table 5.2). Note that these are “ideal types” (Weber, 1968, p. 20) representing phenomena in their “pure” form, while in reality there may be criminal structures where the three functions partially or fully overlap. It is this three-fold typology that provides the basis for the discussion of criminal structures throughout this book.

Table 5.2 Classifications of Criminal Structures by Function

Function	Purpose	Example
Entrepreneurial	Material gain	Burglary gang
Associational	Status Support Ideology	Outlaw motorcycle gang
Quasi governmental	Protection (conflict avoidance, conflict resolution) Material gain (taxation)	Cosa Nostra family

The assumption that the most basic categorization of criminal structures is one that pertains to different functions rests on the notion that criminals organize themselves to respond to specific needs. It can be argued that all else being equal, criminals face increased risks of apprehension and prosecution and also an increased risk of predatory exploitation when they reveal themselves to and interact with other criminals. Every coconspirator and every co-offender are potential police informants and witnesses in court. Likewise, every coconspirator and every co-offender are potential fraudsters or thieves (Gambetta, 2009; Reuter, 1983). Only if these risks are outweighed by benefits that criminal structures provide is it likely that criminals will organize in the first place.

There are a number of needs that criminals may have and that may be met by criminal organizations (Best & Luckenbill, 1994, pp. 73–74). These needs include

- access to resources that enable or facilitate the commission of crimes,
- an ideology to justify criminal behavior,
- social status (in the underworld and beyond),
- security from prosecution, and
- security from other criminals.

Entrepreneurial, associational and quasi-governmental structures, respectively, address these needs in specific ways.

Entrepreneurial Criminal Structures

Entrepreneurial criminal structures serve economic functions in a broad sense in that they are geared toward generating financial or other material benefits (Chapter 6). Criminals are connected in such a way that compared to a lone offender, the commission of predatory or market-based crimes is made possible, easier, more profitable, or less risky. This includes obtaining and coordinating necessary resources such as skills, know-how, finances, raw materials, and equipment.

Entrepreneurial criminal structures can appear in many different guises, including the types of criminal organizations identified by Mary McIntosh (picaresque, craft, project, and business organizations), such as the crew of a pirate ship, a troupe of pickpockets, a team assembled for a bank heist, or the management and staff of an illegal gambling casino. Another example is provided in the case study of pedophile networks presented above. The pedophiles who collaborated in the maintenance and use of the apartment in Berlin for the purpose of regularly abusing children were part of an entrepreneurial criminal structure. Their relations were shaped and structured in certain ways—for example, in the form of pooling financial resources and in the form of influencing their victims in a coordinated fashion—so that the abuse of children was made easier and less risky.

Associational Criminal Structures

Entrepreneurial criminal structures have to be distinguished, analytically, from associational criminal structures that support entrepreneurial activities only indirectly by serving functions of a social nature (see Chapter 7). Internally, associational structures establish and reinforce bonds between their respective members and create a sense of belonging. Externally, they delineate a group of criminals as possessing certain qualities that other criminals or others in society more broadly, supposedly, do not possess.

Belonging to such an associational structure—for example, a mafia organization or an outlaw motorcycle gang—conveys some degree of exclusivity and may translate into an enhanced social status within criminal subcultures or social milieus. To the extent associational structures select members according to their worth as criminals, membership conveys a sense of reliability and trustworthiness. This facilitates contacts among potential co-offenders and provides a relatively safe forum for the exchange of information and the pooling of resources conducive to the commission of crimes. The communication within associational structures will also tend to reinforce deviant values and promote a positive self-image as criminal. In this respect, associational structures meet the need of criminals for an ideology that frames criminal behavior as tolerable or even desirable, thereby neutralizing any notions of wrongdoing (see Sykes & Matza, 1957).

Associational criminal structures may also improve the security of criminals. This is the case, for example, when members are obligated to provide mutual aid in conflicts with nonmembers. Associational structures may also protect members against other members by establishing and enforcing internal rules of conduct—for example, to the effect that members should not cheat each other. In this respect, associational structures can serve a governance function vis-à-vis their membership similar to underworld governments with regard to an entire criminal milieu (see below).

There are numerous examples of associational structures, first and foremost secret societies and fraternal associations with a defined membership, such as the Italian American and the Sicilian Mafia, Chinese triads, or outlaw motorcycle gangs. But less clearly discernible structures such as the friendship networks among drug traffickers and the entire community of dealers and smugglers in Southern California described by Patricia Adler (1985) also fall into this category (see also Huisman & Jansen, 2012; Larsson, 2009, p. 72). A similar example is provided by the self-help groups of pedophiles mentioned in the case study above. These self-help groups do not organize the abuse of children, but to the extent they provide a forum for discussing the abuse of children and for mutually reinforcing the idea that pedophilic activities are normal, they fulfill the need of pedophile criminals for an ideology justifying their behavior.

Quasi-Governmental Criminal Structures

Quasi-governmental criminal structures serve governance functions (Chapter 8). Three essential governance functions can be distinguished, irrespective of

whether the context is legal or illegal. The first function is to define and enforce *property rights*. Governance determines who has control over a given object. The second governance function is to protect and enforce *contractual agreements*. Governance ensures that both sides abide by the terms of the contract they have entered into. The third governance function is to promote the common good through *collective action*. Governance helps to pool resources to attain collective goals (Skarbek, 2014, pp. 4–6).

Quasi-governmental structures, namely criminal groups like the “Capone Syndicate” that control a particular area, support illegal entrepreneurial activities by creating a more predictable and more secure environment in a sphere that the legitimate government is unwilling or unable to regulate. Quasi-governmental structures can define and protect property rights of criminals, such as a pimp’s right of exclusive control over a prostitute or a bookmaker’s right to his bookmaking operation. When, for example, a prostitute is wooed away by another pimp or a criminal muscles into a bookmaking operation, then the aggrieved party has a chance to take recourse to whoever has assumed a governance function. Quasi-governmental structures can likewise enforce “contracts” between criminals—for example, the contract between a seller and a buyer of illegal drugs. Finally, quasi-governmental structures can attain collective goals like avoiding police attention through, for example, a mechanism of nonviolent dispute resolution that reduces overall levels of violence. Underworld governments, by pooling resources, may also facilitate the corruption of officials and thereby reduce the risk of law enforcement intervention. For these and other reasons, illegal governance structures are not only beneficial for those exercising power but also for their subordinates (Reuter, 1983). In return, illegal entrepreneurial activities may be “taxed,” which means that those forming governance structures share in the proceeds from those (predatory and market-based) crimes that are committed under their control (Abadinsky, 1981; Anderson, 1979; Lombardo, 2013).

At times, quasi-governmental structures are misconstrued as constituting the executive level of a large-scale, diversified criminal corporation. The assumption is that all the different criminal activities that are under the control of and taxed by an underworld government constitute specialized divisions centrally directed by a common management. Based on this assumption, notorious gangster Lucky Luciano was convicted on charges of “running” prostitution in New York City (Stolberg, 1995). However, underworld governments, such as the one represented by Lucky Luciano, tend not to interfere with the day-to-day affairs of illegal enterprises. Accordingly, the removal of an underworld government will not influence the way illegal businesses are run. What may change is the level of security illegal enterprises enjoy with respect to competitors, predatory criminals, and law enforcement.

A typical example for quasi-governmental structures is provided by territorially based criminal groups such as Cosa Nostra families or street gangs that control and “license” illegal activities in their respective neighborhoods. But quasi-governmental structures can also appear in more ephemeral forms, as can be seen in the case study on pedophile networks. When the police raided the apartment in Berlin where children had been abused for over a year, suspicions among pedophiles emerged that they had been infiltrated by a police informant and the suspicions were directed at undercover reporter Manfred Karremann.

The head of the Berlin pedophile self-help group, which as such was not directly involved in the abuse of children, acted as an investigator and convened an ad-hoc tribunal to determine whether Manfred Karremann was in fact a police informant. The purpose of this tribunal, it seems, was to collectively enforce an implicit rule in the pedophile community, that one pedophile should not inform on another pedophile. The self-help group as an associational structure, thus, assumed for a moment the role of a judicial institution and thereby fulfilled a governance function within the “pedo-scene” of Berlin.

THE BASIC FORMS OF CRIMINAL STRUCTURES: MARKETS, NETWORKS, AND HIERARCHIES

Entrepreneurial, associational and quasi-governmental structures, as already indicated, are not necessarily mutually exclusive. The same group of criminals may serve different functions. Mafia families, for example, constitute fraternal associations and may at the same time have locally acquired the position of an underworld government (see Chapters 7 and 8). A second classification has to be made with respect to the *forms* in which criminal structures appear. Entrepreneurial, associational, and quasi-governmental structures are not linked to any particular organizational format. In fact, as has already been shown with the examples of friendship-networks among drug traffickers and the case study of pedophile networks, economic, social, and governance functions can be performed by structures that lack any degree of integration into a cohesive organizational entity.

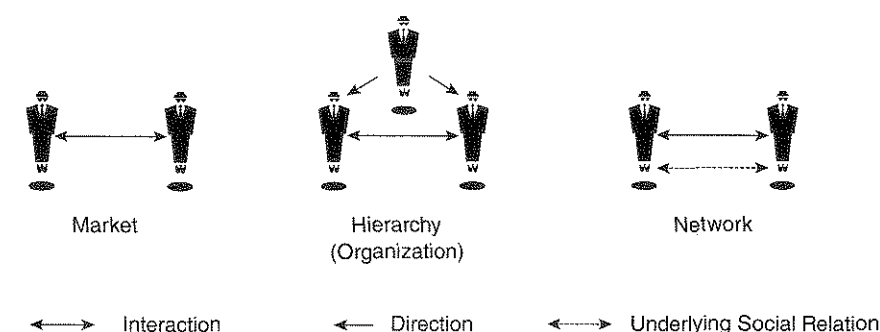
Following a classification from the areas of economic sociology and organization theory, three ideal-typical forms can be distinguished in which criminal structures may appear: *markets*, *networks*, and *hierarchies* (Powell, 1990). While the analogy best fits entrepreneurial structures (see Chapter 6), this classificatory scheme can also be applied more or less well to associational and quasi-governmental structures. The distinction between markets, networks, and hierarchies refers to different mechanisms of interaction and coordination marked by different levels of commitment and interdependence between participants (see Figure 5.1).

Markets

In an ideal-typical market setting, individuals interact as independent, autonomous parties of one-off exchanges. Between the two parties there is no obligation other than that of the fulfillment of the terms stipulated in the (formal or informal) agreement underlying the exchange. The participants of market exchanges engage in “individually self-interested, non-cooperative, unconstrained social interaction” and are “free of any future commitments” beyond the exchange at hand (Powell, 1990, p. 302).

Pure market exchanges are rare under conditions of illegality just as in legitimate society because exchanges tend to take place between individuals who already know each other. This means that a transaction is commonly embedded in the preexisting relations that make up an individual's social network (see Flap, 2002, pp. 30–31; Granovetter, 1992). In the context of criminal activities,

Figure 5.1 Basic Forms of Criminal Structures



This graph depicts three basic types of relationships between criminals: market relations between independent actors; hierarchies, where criminals are integrated into a line of command; and networks where criminals cooperate as independent partners but where the continued existence of an underlying long-term relationship is at stake.

exchanges between truly independent partners appear to be prevalent only in the street vending of illegal goods—such as drugs, counterfeit products, or contraband cigarettes—although even here longer-term relations between sellers and buyers may evolve (Antonopoulos, Hornsby, & Hobbs, 2011, p. 8; Gruter & Van de Mheen, 2005, p. 27; Sandberg, 2012, p. 1144; see also Dwyer & Moore, 2010, p. 94).

Hierarchies (Organizations)

In terms of the interdependence of actors, the opposite of markets are hierarchies. Those who interact as component parts of a hierarchy perform tasks in a coordinated way under the direction of a common management (Powell, 1990). Hierarchies typically have defined boundaries and internal divisions and a centralized chain of command. However, there are also organizational structures, mostly small in size, where members subordinate themselves not to a central authority but to a collective decision-making process that defines roles and tasks that are then assumed by members jointly or individually (Ahrne, 1994, p. 89). Hierarchies understood in this way are delineable organizations with structures that guide and coordinate the interaction of their members. They can be found in the case of entrepreneurial, associational, as well as quasi-governmental illegal structures.

Networks

The third basic type of mechanism of interaction and coordination, networks, is similar to pure market settings in that those involved in an exchange make independent decisions as autonomous actors. At the same time, there is a mutual commitment beyond any single exchange. What is at stake are underlying longer-term relationships. In order not to jeopardize these relationships, network members

are inclined “to forego the right to pursue their own interests at the expense of others” (Powell, 1990, p. 303).

The Relationship Between the Concepts of Network and Organization

There is some confusion about how the two key concepts of network and organization relate to each other. Some use both concepts interchangeably, typically with a meaning that is closer to organization than to network; others treat networks and organizations as the two endpoints of a continuum of structural sophistication, ranging from simple, loose networks to elaborate, tightly structured organizations. Sometimes it is assumed that criminals are organized either in networks or in organizations. In all cases there is a tendency to narrow the scope of analysis to readily observable structures. Whenever a delineable group of criminals becomes discernible, this is what the attention is focused on with little consideration of the broader web of relations in which the criminals in question may be embedded.

A more encompassing approach is to treat networks and organizations as two distinct *analytical* categories, representing different dimensions of relational structures (see Powell, 1990). A network is a web of ties connecting two or more individuals directly or indirectly. An organization likewise consists of a combination of individuals. But in contrast to a network, an organization is more than just the sum of its parts, as it entails a certain degree of integration. An organization takes on an existence of its own by establishing a system of norms and expectations that members follow regardless of individual interests or properties (Hall, 1982, pp. 37–38). It is important to note, however, that networks and organizations are not empirically independent. Organizations may evolve out of and may be transcended by networks, just as every organization can be defined as a network because its members are by definition connected through specific ties (Nohria, 1992). The question, then, is not whether in a given situation there is a criminal network *or* a criminal organization. Instead, the question is whether criminal organizations in the narrow sense of the word have evolved out of and are shaped and transcended by a given criminal network.

THE CONCEPTUALIZATION OF CRIMINAL NETWORKS

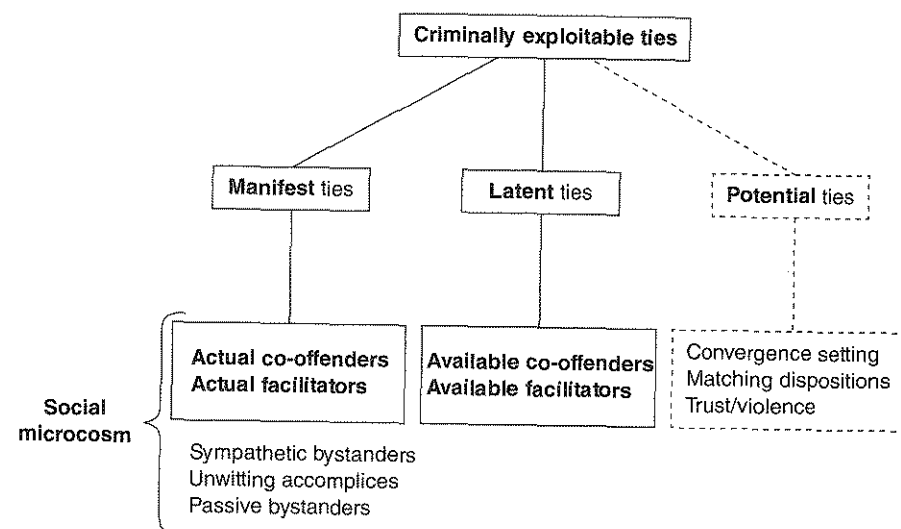
Treating networks and organizations as two distinct analytical categories implies a bottom-up, two-step approach in the analysis of criminal structures. The first step is to ascertain in a very general sense the existence of criminal networks. The second step is then to examine the nature of the network ties and to determine the level of integration of these ties into delineable organizational entities. The following three chapters will discuss in some detail how the level of integration can vary with respect to entrepreneurial structures (Chapter 6), associational structures (Chapter 7), and quasi-governmental structures (Chapter 8). In contrast, the remainder of this chapter will be devoted to questions about the existence of criminal structures as such. One question is how conceptually to ascertain the existence of criminal networks. Another, empirical question is

how criminal networks emerge and persist over time in what can generally be considered a hostile environment.

Constitutive Elements and Boundaries of Criminal Networks

The question of how to ascertain the existence of a criminal network is not as straightforward as it may seem. One problem is that connections between criminals are not necessarily easy to observe. Another problem is that it is not self-evident what kinds of connections between what kinds of individuals should be taken into consideration. Conventional academic and law enforcement analyses tend to limit the analysis of criminal networks to the most tangible links between criminals, those links that can be inferred from the joint commission of a crime, from communication, or from shared membership in a criminal association. But this likely produces only a very incomplete picture of the patterns of relations that matter for understanding the organization of

Figure 5.2 Criminally Exploitable Ties



This graph depicts criminally exploitable ties as consisting of two components: manifest ties that are activated in a given criminal endeavor and latent ties that could be activated for criminal purposes when the need arises. In addition, the graph includes potential ties that reflect existing opportunities for the formation of new criminally exploitable ties. These opportunities are created by convergence settings where individuals with matching criminal dispositions can meet and manage to cope with the mutual risk of betrayal. Finally, the graph positions the concept of the “social microcosm of illegal entrepreneurs” in the overall conceptual framework, highlighting that in a given crime event there tend to be individuals who to varying degrees are in a position to influence the success or failure of the criminal endeavor.

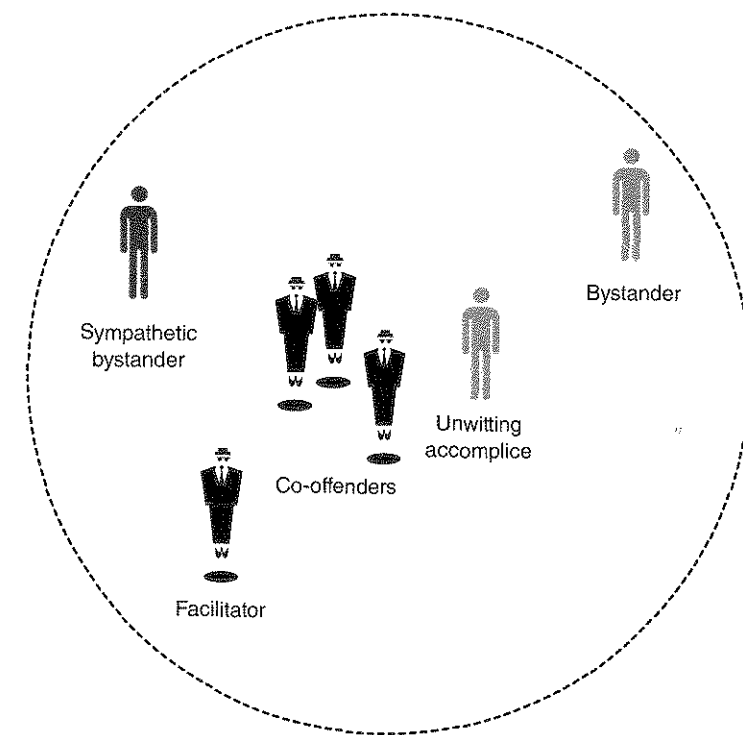
crime, namely, those webs of relations that enable or facilitate criminal conduct. For every co-offender in a given criminal venture, there may be many others who would have been willing and able to participate, and every new criminal venture may see a different set of co-offenders from a larger pool of criminals who know each other. Empirical research suggests that most areas of crime are characterized by individual offenders, partnerships, and small clusters of criminals linked up by more or less temporary cooperative arrangements (Bruinsma & Bernasco, 2004; Englund, 2008; Kostakos & Antonopoulos, 2010; Leman & Janssens, 2008; Matrix Knowledge Group, 2007; Ruggiero & Khan, 2007; Soudijn & Kleemans, 2009). Criminal associations, in turn, primarily fulfill social functions and only indirectly influence criminal behavior. Therefore, the shared membership in a criminal association may reveal little about the actual interaction between criminals. It is not a given that any two members of the same criminal association—for example, a mafia group or an outlaw motorcycle gang—commit crimes together at all. Instead members may individually engage in criminal activities or in cooperation with nonmembers (Tenti & Morselli, 2014; Chapter 7).

When one assumes that organized crime has to do with criminals benefiting from the connections they have to others, then the scope of analysis has to be expanded beyond tangible co-offending networks and membership-based criminal associations. There are two directions in particular in which the scope of analysis can be broadened. One is to shift the frame of analysis from the narrow group of co-offenders to the wider circle of individuals who have an impact on a given criminal venture. This is captured by the concept of the *social microcosm of illegal entrepreneurs* (von Lampe, 2007; Figure 5.3). The other direction is to move from the criminal relations that manifest themselves in the commission of a particular crime to the full range of relations that a criminal could draw on at a given point in time. This is captured by the concept of *networks of criminally exploitable ties* and the distinction of *manifest* and *latent* criminal ties (von Lampe, 2001b, 2003a, 2009a).

The Social Microcosm of Illegal Entrepreneurs

Conceptions of criminal networks typically focus on those individuals who are directly involved in the commission of crimes. Sometimes a distinction is made between core members and peripheral actors (see, e.g., Lemieux, 2003, pp. 12–13), but overall, the term criminal network is commonly confined to the narrow circle of coconspirators (Tremblay, 1993, p. 20; Weerman, 2003, p. 398). This perspective, however, neglects other individuals who in various ways may influence a criminal endeavor. There may be individuals (facilitators) who, while not participating in a specific crime, wittingly lend general support to criminals—for example, by sharing know-how, by providing legal advice or money-laundering services, or simply by endorsing a criminal lifestyle. Then there are *unwitting* accomplices who directly contribute to the successful execution of a criminal endeavor without becoming aware of the role they play. Criminals may, for example, draw on the services of hauling companies and banks under the guise of legal business activities to smuggle contraband and launder money (see, e.g., Desroches, 2005, p. 123; Vander Beken, Defruytier, Bucquoye, & Verpoest, 2005; von Lampe, 2009c).

Figure 5.3 The Social Microcosm of an Illegal Entrepreneur



The social microcosm of criminals encompasses all individuals who are in a position to influence, negatively or positively, the outcome of a criminal endeavor, from the circle of co-offenders who are directly involved in the commission of a given crime to passive bystanders who decide not to intervene.

One could even go further and also take those individuals into consideration that contribute to criminal activities merely by passively standing by without interfering. Noninterference of bystanders can have different reasons (see Levine, 1999). They may not realize the illegality of the activities they observe, they may find intervention inconvenient or burdensome or risky, or they may tolerate or even be sympathetic to these illegal activities because they adhere to some subcultural value system or because they feel a personal allegiance to the perpetrators.

All of these individuals, from accomplice to passive bystander, make up what can be called the *social microcosm of a criminal entrepreneur*. The social microcosm encompasses all individuals an offender encounters in the course of a criminal endeavor and who are in a position to influence the success or failure of that endeavor, if only by not alerting the police (von Lampe, 2007, p. 132). Thus, the social microcosm demarcates the outer reaches of the interpersonal relations that criminals count on for the successful commission of a given crime.

The concept of social microcosm adds considerable complexity to the analysis of organized crime. It highlights the fuzzy and fleeting nature of the boundaries between criminal structures and noncriminal social structures, and

it emphasizes the diversity of roles that individuals can play in the furtherance of criminal ventures.

Networks of Criminally Exploitable Ties

Criminally exploitable ties are interpersonal relations that enable an individual to interact with other individuals in the furtherance of criminal activities whenever the need or opportunity arises (von Lampe, 2003a). This may be the case on a continuous basis or only sporadically or not at all. The concept of criminally exploitable ties rests on a distinction between manifest and latent criminal structures. Manifest structures are those patterns of relationships that are activated and become evident in the interaction of criminals. Latent structures consist of ties to those who at a given point in time would be available to lend support in a criminal endeavor. These ties are dormant but could be activated. Manifest and latent criminal ties combine to form a network of criminally exploitable ties (von Lampe, 2003a; von Lampe, 2009a, p. 95).

Irrespective of the actual frequency with which they are activated, criminally exploitable ties are important because they provide what Bill McCarthy and John Hagan (2001, p. 1038) have called “criminal social capital.” Criminally exploitable ties demarcate the social space within which a criminal can operate and cooperate with others without having to invest in the establishing of new relationships. And this social space will tend to be larger than any manifest co-offending network or any membership-based association might suggest (Bouchard & Ouellet, 2011, p. 76). Networks of criminally exploitable ties can also differ from manifest criminal networks in the way they are structured. For example, a central figure in a co-offending network, say the leader of a gang of car thieves, might occupy only a rather marginal position in the overall context of his or her web of criminally exploitable ties by being at the beck and call of more influential members of the underworld.

In order to be criminally exploitable, a relation between two individuals will tend to show both of the following characteristics: corresponding criminal *dispositions* and some common basis of *trust*. It appears plausible that someone engaged in criminal activities can draw on others only to the extent they have similar interests and preferences. This may not be the case, for instance, when a heroin trafficker and a distributor of child pornography meet. Each might vehemently object to the other’s line of business. Once two individuals with corresponding criminal dispositions have met, it is unlikely, although not impossible, that they will cooperate simply based on the mutual interest in the successful completion of a given endeavor. Instead, cooperation will tend to be founded on some basis of trust (von Lampe, 2001b, 2003a; von Lampe & Johansen, 2004b). This assumption, which will be discussed in more depth further below, rests on two general notions, that social interaction tends to be embedded in existing social networks (Granovetter, 1992) and that criminals need to minimize the risks inherent in illegal interaction emanating from law enforcement, from disloyal accomplices, and from predatory criminals (Gambetta, 2009; Reuter, 1983).

THE EMERGENCE AND PERSISTENCE OF CRIMINAL NETWORK TIES

The discussion so far has focused on two key dimensions in the analysis of criminal structures: (a) the different types of criminal structures by *function* (economic, social, and quasi governmental) and by *form* (markets, networks, hierarchies), and (b) the scope of criminal structures with a view to the gradation of relations from the links between co-offenders to the relations between offenders and unwitting accomplices and passive bystanders within the social microcosm of a criminal and with a view to manifest and latent criminal relations. One important question has been touched upon only briefly: How do the relations that constitute criminal structures emerge in the first place? And by extension one can ask, How easy or difficult is it for criminal structures to grow and to recover from disruptions, such as the death or arrest of a member?

Potential Network Ties and Offender Convergence Settings

One way to approach the question of the emergence of criminal structures is to frame it in terms of the *formation* of criminally exploitable ties. This is a matter of determining how easy it is for criminals with similar dispositions to become aware of each other and to meet and how easy it is for them to form a bond of trust. An important aspect that comes into play here are locations where criminals encounter other criminals. Marcus Felson has argued that offender networks tend to be “amorphous, unbounded and unstable” and that, in order to account for the recurrence of co-offending, one must look not at network structures but at the locations (offender convergence settings) where offenders meet and socialize (Felson, 2003, p. 156). What Felson describes, in a sense, are socio-ecological conditions defining neither manifest nor latent, but *potential* ties (von Lampe, 2009a, p. 97). These potential network ties are constituted by a given pair of compatible criminals who have access to the same convergence setting at the same time. The assumption is that potential network ties, under favorable conditions, make future cooperation between criminals as likely as criminally exploitable ties within a latent or manifest criminal network. From this angle, a comprehensive analysis of criminal structures needs to encompass manifest relations, latent relations, and potential relations linked, namely, to offender convergence settings.

From what is known about offender networking (see, for example, Adler, 1985; Desroches, 2005; Zaitch, 2002) it appears that there is a wide range of constellations of how organized criminals meet and form relationships: relationships that lead, directly or indirectly, to the commission of crime, respectively to the more effective, more widespread, and more continuous commission of crime. First, the context within which relationships are formed may be more or less detached from illicit activities. It can range from purely legitimate settings such as neighborhood, school, or workplace to deviant or criminal subcultures and outright congregations of criminals. Second, a particular contact may result from a chance encounter, or it may have been purposefully brought about by

one or both parties searching for suitable co-offenders. Third, a link may initially have no illicit connotation—for example, when a childhood friendship or a legitimate business contact eventually transforms into a criminal partnership—or it may be of an illegal nature from the start, as in the case of the relationship between a street peddler of drugs and his or her customers.

The ideal-typical offender convergence setting as described by Felson (2003, 2006b) covers only some of these constellations. It is a place where potential co-offenders have a high likelihood of meeting even though the location itself—for example, a restaurant—may serve exclusively legitimate purposes and even though potential offenders may converge without the intent of finding a partner in crime. Yet, partnerships are assumed to form quickly, setting “the stage for criminal acts in nearby times and places” (Felson, 2003, p. 151). The convergence settings described in the organized crime literature go beyond and partly deviate from this picture. Offender convergence settings do not only give rise to short-term but also to longer-term endeavors. It is also important to note that offender convergence settings are not only relevant for co-offending networks. They appear to provide the basis for the emergence and continued existence of criminal structures in general, including fraternal associations and illicit governance structures. In fact, places where criminals meet and interact seem to be an important factor for underworld structures and short-term co-offending networks alike. Mary McIntosh, for example, has emphasized the importance of

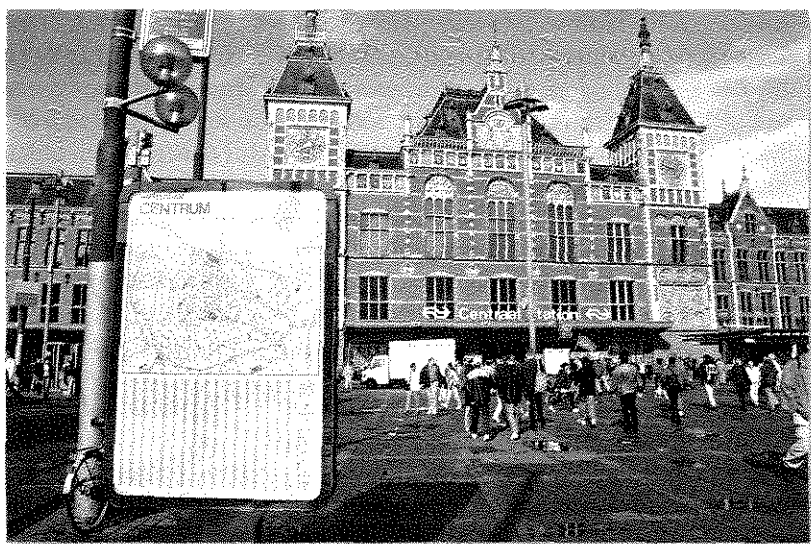


Image 5.2 Amsterdam Central Station is reportedly a convergence setting for buyers and suppliers of drugs. Those who come to the city known for its role as a major hub for drug trafficking in Europe are met by individuals who sell drugs or arrange contacts to drug dealers.

Photo: Douglas Schwartz/Corbis

“haunts,” such as unlicensed drinking and gambling clubs or public houses, as places where criminals “learn their trade, find colleagues to work with, and be warned of impending danger” (McIntosh, 1975, p. 23; see also Best & Luckenbill, 1994, p. 52). A similar function is played by prisons, which are commonly regarded as meeting places and “academies” of criminals (Desroches, 2005, p. 55; McIntosh, 1975, p. 24; Pearson & Hobbs, 2001, p. 30; Ruggiero & South, 1995, pp. 181–184). Several notorious criminal associations owe their existence to the congregation of criminals in prison, namely the Sicilian Mafia (Lupo, 2009, p. 49; see also Chapter 7), and some organizations that have first existed as prison gangs before they expanded their influence to the outside world, such as the Thieves in Law in the former Soviet Union (Varese, 2001, p. 164; see also Chapter 7), the so-called Mexican Mafia in the United States (Abadinsky, 2013, p. 164), or the Primeiro Comando da Capital (PCC) in Brazil (Pedra & Dal Ri, 2011, p. 68).

Other permanent convergence settings are less secluded and less closely linked to illicit contexts. For example, businesses of logistical relevance for certain illicit activities, such as transport companies and banks, may set the stage for bringing together potential coconspirators, typically across the divide between the licit and illicit spheres of society (Kleemans & Van de Bunt, 2008; Tilley & Hopkins, 2008). Even the most public places can apparently function as meeting places for prospective partners in crime. The central railway station in Amsterdam, for example, is reported to be for drug dealers “one of the best places for new contacts” because suppliers of drugs and contact brokers already await incoming trains (Junninen, 2006, p. 157).

Not all convergence settings for organized criminals are permanent in nature and attached to one specific location. Interprovincial meetings among members of the different branches of the Sicilian Mafia, for example, have reportedly taken place during cattle fairs held periodically at various locations in southern Italy (Paoli, 2003a, p. 41). Likewise in the subculture of upper-level drug dealers observed by Patricia Adler, social interaction was centered not only on certain bars, stores, restaurants, and recreational areas frequented by drug market insiders but was also created at private gatherings, such as weddings or parties, the larger ones being described as “dealers’ conventions” (Adler, 1985, p. 77).

The Role of Trust for Criminal Networking

To say that criminals have many opportunities to establish new contacts only partially explains the formation of criminal structures. It is also important to understand how these contacts, be they long-term relations or chance encounters, turn from social network ties into criminally exploitable ties. The question is what brings a criminal to interact with others in furtherance of criminal endeavors despite the inherent risks of betrayal. These risks as well as the benefits of criminal cooperation have already been pointed out. For example, offenders can draw on others to obtain the know-how and tools necessary for committing a crime. Yet, this does not explain why offenders believe that they can enjoy these benefits while escaping the risks. One answer to this question has become a truism in the organized crime literature, the claim that what brings

and holds criminal structures together are bonds of trust (see, e.g., Ayling, 2009; Campana & Varese, 2013; Kleemans, 2013).

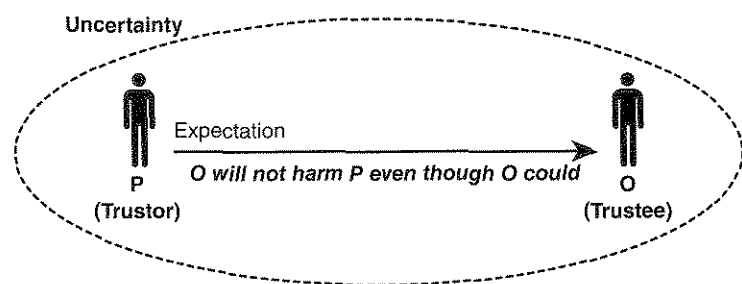
Trust, like organized crime, is a “very imprecise and confusing notion” (Misztal, 1996, p. 9; see also Seligman, 1997, p. 7). It has to do with how people cope with risks and uncertainty. One person trusts another person where effective means to control the other’s behavior are unavailable and where the other’s behavior is potentially harmful in a broad sense of the word, and still the trusting person is confident that no harm will be done (Figure 5.4).

There are two dimensions along which the concept of trust and the emergence of trust are discussed. One dimension refers to the level of rationality or irrationality in the decision of a trusting person to trust. The other dimension refers to the foundation or point of reference of trust (von Lampe & Johansen, 2004b, p. 166). In the spectrum from rationality to irrationality, trust takes up a space somewhere between purely rational calculation of probabilities and irrational blind faith. The point of reference for both rational calculation and blind faith may be the trusted person or some institution or social group that the person belongs to. In the latter cases, trust is based on generalizations about how a particular type of person behaves. Depending on whether or not the trusting person (trustor) and the trusted person (trustee) belong to the same social group, this kind of trust can have different roots. An outsider may be guided by stereotypes while within the same social group there may be a sense of shared habits, norms, and values that bind members. Belonging to the same social group may also create moral obligations to place trust in others. Trust in these cases, then, “is a moral commandment to treat people as if they were trustworthy” (Uslaner, 2002, p. 3).

The Emergence of Trust Under Conditions of Illegality

There are numerous trust-producing situations that may come into play in the formation of criminal structures. On the individual level, trust can be expected to result, for example, from the continuous interaction in delinquent peer groups or in prison settings, out of which affectionate bonds and a sense of predictability of each other’s behavior may develop (see, e.g., Ianni, 1974).

Figure 5.4 Trust



This graph depicts the notion that trust is an expectation of a person P, under conditions of uncertainty, that (a) another person O will not harm P, even though (b) O could harm P (von Lampe & Johansen, 2004a, p. 104).

Various personal characteristics can be expected to foster trust, including reliability in keeping appointments and deadlines, providing support, maintaining self-control under stress, and of course, not cooperating with authorities (Zaitch, 2002, p. 279).

Another aspect that needs to be taken into account is that trust may be mediated. In this case, no direct bond of trust exists between trustor and trustee, but an intermediary convinces the trustor that the trustee is trustworthy. This can happen in different ways. The trustor may have faith in the intermediary’s judgment that the trustee is trustworthy, or the intermediary may guarantee that the trustee will not harm the trustor. In the language of the street, the intermediary “vouches” for the trustee, which means that if anything goes wrong, the intermediary will be held liable by the trustor (Desroches, 2005, p. 122).

A similar triangular constellation exists where the trustor relies not on a specific intermediary but on the reputation the trustee has acquired among a larger group of people. This type of trust hinges first and foremost on the flow of information through the underworld “grapevine system” first described by Frederic Thrasher (1927/1963, p. 285), or in the case of cybercrime (see Chapter 12) through electronic communication channels (Lusthaus, 2012). But one can also think of a criminally relevant reputation being created by the media, possibly in concert with law enforcement agencies, as has been surmised in the case of Al Capone, who allegedly owed much of his reputation of being a powerful underworld leader not to his actual position but to the attention he received in the press (Bergreen, 1994, p. 211; Chapter 1).

Trust based on generalizations can be linked, for example, to members of a delinquent subculture or a mafia-like fraternal association when they are perceived to uniformly adhere to particular codes of conduct, namely mutual support and non-cooperation with law enforcement (Reuter, 1983, p. 158). Such a belief can be quite rational, especially in the case of fraternal associations like Cosa Nostra that, at least in former times, have only admitted new members after an extensive period of testing and schooling (Haller, 1992, pp. 3–4; Jacobs, 1994, p. 102; Chapter 7). But the same may also be true for a deviant subculture where, by definition, members share a set of norms and values and are likely to harbor feelings of solidarity in view of what is perceived to be a hostile outside world. This has been noted, for example, in the case of the community of professional thieves in the United States in the early 20th century described by Edwin Sutherland (1937, pp. 202–206) and in the case of the Western European drug culture of the 1960s and 1970s (Ruggiero & South, 1995, p. 134).

The Emergence of Criminally Relevant Trust From Licit Social Relations

Criminally relevant trust does not only emerge under conditions of illegality. Licit social relations may also provide a basis of trust for criminal structures. In fact, in the organized crime literature the focus has been first and foremost on criminal structures rooted in licit social relations, namely kinship, friendship, and ethnic ties. Other kinds of social relations that may play a role in the formation of criminal structures include local communities and business networks (Adler, 1985; Denton, 2001; Desroches, 2005; Hobbs, 2001; Kleemans & Van de Bunt, 2008).

Familial Ties as Sources of Trust. The notion that family ties can shape criminal structures is in line with general assumptions about a close link between family and trust. Anthony Giddens (1990, p. 101), for example, suggests that “kinspeople can usually be relied upon to meet a range of obligations more or less regardless of whether they feel personally sympathetic towards specific individuals involved.” Trust among members of the same family, it is argued, grows out of continuous interaction and rests on a sense of similarity and shared norms and values (Misztal, 1996).

There are, in fact, a number of examples for the partial or complete overlap of criminal structures and kinship structures. There are cases where illegal enterprises are run as “family businesses” (Curtis & Wendel, 2000; Hobbs, 2001, 2013; Ianni & Reuss-Ianni, 1972), and there is evidence that criminals prefer to collaborate with members of their own family. Decker and Townsend Chapman (2008, p. 98), for example, report that many of the drug traffickers they interviewed “expressed the belief that they were less likely to be ‘snitched out’ by relatives” (see also Adler, 1985, p. 66; Denton, 2001, pp. 68, 73; Zaitch, 2002, p. 277).

Apart from entrepreneurial structures, there are also some fraternal associations that are largely made up of members of the same blood family, as is true, for example, for the local branches of the Calabrian mafia, the ‘Ndrangheta, and the Neapolitan mafia, the Camorra (Campana & Varese, 2013; Paoli, 2003a). At the same time, associational structures—such as mafia organizations, through



Image 5.3 The twin brothers Ronald and Reginald Kray, having tea at home in 1966, were dominant figures in the London underworld in the 1950s and 1960s. Familial ties often serve as a binding force within criminal structures.

Photo: Hulton-Deutsch Collection/Corbis

initiation rites—may also create ritual kinship ties, artificial bonds likened to the relationship between brothers or between father and son (Paoli, 2003a). However, the binding force of kinship is not ubiquitous. In the words of Damian Zaitch (2002, p. 278), who summarizes the accounts of cocaine traffickers, “betrayal between blood relatives is infrequent, though not rare.” Likewise, Pino Arlacchi (1986, p. 135) has pointed out in his analysis of Italian mafia groups, that “often relations between families of brothers are marked less by co-operation and solidarity than by disagreement and impulses towards mutual conflict.” This, according to Arlacchi, has led to structural arrangements centered on shared control within mafia organizations that are specifically designed to minimize conflict in the absence of sufficient trust between blood relatives (Arlacchi, 1986, p. 136).

Local Communities and Ethnicity as Sources of Trust. Similar to families, local communities may produce trust through familiarity and conformity (Giddens, 1990, p. 101; Luhmann, 1988, p. 94). For example, close-knit, local communities in rural Norway provide a safe context for the illegal alcohol business that is centered on illegal distilleries. Disloyal behavior toward a business partner would be perceived as being directed against the entire community (von Lampe & Johansen, 2004b, p. 173). Community ties also become apparent in criminal structures that are formed among migrants. In some cases, the origin from the same village best explains the collaboration of a particular set of criminals abroad (Kleemans & van de Bunt, 1999, p. 25).

The notion of trust created by familiarity and conformity would seem to apply not only to family and community ties but to a certain extent to ethnicity as well. In fact, many depictions of organized crime rely heavily on categorizations along ethnic lines, implying that ethnicity is an important binding factor. Others have argued that this is a misconception and that in many instances where bonds of trust are attributed to ethnic cohesion, trust is rooted in kinship and community ties (Ianni, 1974; Kleemans & van de Bunt, 1999, p. 25; Lupsha, 1986, p. 34; Potter, 1994, p. 121; von Lampe & Johansen, 2004b, p. 173).

However, ethnicity seems to play a role not only in the minds of the public but also in the minds of criminals, so that it cannot be completely discounted as a factor influencing the emergence of criminal structures. For example, according to the interview-based study of drug traffickers conducted by Decker and Townsend Chapman, Colombians “are more likely to trust another individual of Colombian ethnicity than to trust members of other ethnic groups.” Likewise, they found that “Cubans were much more likely to recruit and trust other Cubans” (Decker & Townsend Chapman, 2008, p. 96; see also Arsovska, 2015, p. 135; Desroches, 2005, pp. 63–64).

Contrary to the notion of ethnically cohesive criminal groups, ethnicity can also foster the formation of criminal structures in a different way, across ethnic lines. At least some criminals are influenced by ethnic stereotypes that make it more or less likely that they will trust criminals of a particular ethnic background other than their own (Junninen, 2006, pp. 159–160; Ruggiero & South, 1995, p. 118). Damian Zaitch, in his interview-based study of Colombian drug traffickers in the Netherlands, found that they tended to prefer to do business with Italians and Spaniards because they viewed them as the most professional,

true to their word and bound by honor compared to, for example, native Dutch, Russian, Yugoslavian, or Surinamese criminals. Interestingly, these stereotypes were fairly consistent irrespective of personal experiences with members of these ethnic groups (Zaitch, 2002, p. 281; see also Bovenkerk, Siegel, & Zaitch, 2003). Ethnic stereotypes that foster trust may be shaped by personal experiences, gossip, or the media, but they may also arise from rational considerations. For example, if an ethnic minority group is marginalized in society it will be less likely to have police informants or undercover police officers in its midst (von Lampe, 2003b, p. 58; von Lampe & Johansen, 2004b, pp. 174–175).

Business Relations as Sources of Trust. While ethnicity cannot be ruled out as a trust-building factor, at least under certain circumstances, there is another social context that possibly has a much greater significance for the trust-based emergence of criminal structures: legal business. Business relations, to the extent they are characterized by frequent interactions embedded in broader social networks, can be expected to create trust as a result of a combination of factors, including affectionate bonds, observations of personal conduct, reputation, and the reliance on shared norms and values. There is some evidence not only from the literature on corporate crime but also from the organized crime literature in the narrow sense, that the world of legal business can be the breeding ground for criminally exploitable ties (Kleemans & van de Bunt, 2008; von Lampe & Johansen, 2004b; Waring, 1993). In one case reported by Kleemans and Van de Bunt (2008, pp. 191–192), a group of tax advisers, lawyers, asset managers, and directors of companies had met regularly at international tax conferences and eventually colluded in devising and carrying out elaborate tax fraud schemes.

Trust Building in the Absence of Trust

Trust facilitates the formation of criminal structures, but it is not always a necessary precondition. A relationship may start with little or no trust in the other, or there may be outright mistrust (von Lampe & Johansen, 2004b). This is not an unusual situation given that social networks that provide a basis of trust, namely kinship and friendship ties, are limited in size and reach (Morselli, 2005, p. 22).

One approach taken by criminals in the absence of trust is to interact in such a way that trust can be built over time. For example, in an effort to gain trust criminals may reveal compromising information about themselves that the other can use to retaliate in case of disloyal behavior. The information serves as collateral. At the same time, the one who provides the information signals that he or she is willing to trust the other, which may provide the other individual with an additional motivation to enter into a criminal relationship. Diego Gambetta argues that this is a widespread bonding strategy (Gambetta, 2009, p. 66). In turn, criminals may adopt strategies to ascertain someone else's trustworthiness. Strategies of this nature include test deals and trial periods (Decker & Townsend Chapman, 2008, p. 104; Denton, 2001, p. 76; Zaitch, 2002, p. 278). Al Capone, according to biographer Laurence Bergreen, was put to a test at a young age by his future mentor Johnny Torrio. Torrio reportedly ordered Capone to show up at his place of business "at a certain time, and when Al showed up, Torrio made

a point to be absent, but he had left behind a tempting sum of money where it could be easily taken." Capone withstood the temptation and thus gained Torrio's trust (Bergreen, 1994, p. 38). Apart from more or less elaborate testing procedures, some criminals also pride themselves with being able to quickly size up a person and to determine more or less on the spot if this person is trustworthy (Adler, 1985, p. 73; Gambetta, 2009, p. 8).

How successful these various strategies for establishing a basis of trust are in the medium and long run is a matter of debate. Some see trust growing over time as a result of successful, mutually beneficial interaction (Morselli, 2005, p. 35), while others are more skeptical. They argue that only "highly fragile" trust relationships exist between criminals irrespective of the time period over which these relations have evolved (Williams, 2002, p. 79). According to Diego Gambetta, because of "their propensities, criminals have little hope of finding 'thick' trust in each other: they stand hardly any chance of finding people of good character in their line of business and can aspire, at best, to find ways to sustain the 'thin' or 'calculative' version of trust" (Gambetta, 2009, p. 37).

There is some anecdotal evidence in support of this assumption. There are at least some criminals who have told researchers that they live by the rule that they trust no one, or they just fatalistically hope that other criminals will be honest (Zaitch, 2002, pp. 278, 280; see also Adler, 1985, p. 69; Desroches, 2005, p. 62; von Lampe & Johansen, 2004b, p. 179). Even mafia organizations, which are often depicted as cohesive, trust-bound structures, appear in a different light in many insider accounts (see, e.g., Arlacchi, 1993). Notorious underworld figure Meyer Lansky sarcastically said, "they were so honorable that no one in the Mafia ever trusted anyone else" (Lacey, 1991, p. 75). From this perspective, criminal structures can only be fully understood when taking into account not only how criminals find a basis of trust—for example, in preexisting social network ties—but also how they cope with a chronic lack of trust.

Coping With a Lack of Trust and Mistrust

There are a number of plausible explanations why criminals interact without a sufficient basis of trust. For example, criminals may feel that the benefits of cooperation outweigh the risk of betrayal, especially when they are under economic pressure, or as already indicated, they may fatalistically accept the possibility of betrayal (von Lampe & Johansen, 2004b, p. 179). However, in the organized crime literature the discussion is primarily centered on two strategies with which criminals cope with a lack of trust and mistrust and attempt to reduce the risks of betrayal: (a) information management and (b) incentives and disincentives for loyal and, respectively, disloyal behavior.

Information Management

The information management of criminals aims at maintaining secrecy. But it is more than keeping one's mouth shut. It pertains to procedural and structural arrangements that criminals adopt with regard to other criminals in an effort to reduce opportunities for betrayal and to minimize the impact from disloyal

behavior should it occur. The general assumption is that criminals will seek to monitor the dealings of their accomplices and business partners as best as possible while trying to limit the spread of information pertaining to themselves as much as possible (Desroches, 2005; Reuter, 1983).

Given the clandestine nature of most illegal activities, monitoring among criminals tends to be difficult, although, as anecdotal evidence suggests, it is not impossible (Reuter & Haaga, 1989, pp. 41–45). For example, drug “mules”—individuals recruited to smuggle drugs hidden inside their body or in their luggage—may be secretly monitored by a representative of the smuggling enterprise who unbeknownst to the mules travels with them on the same plane (Molano, 2004, pp. 8–9).

More common seem to be schemes designed to reduce the amount of potentially damaging information available to other criminals. For example, criminals may keep their true identity a secret. This is typical in the relationship between criminal entrepreneurs and individuals that are hired for specific tasks, for example the transportation of drugs. But even where collaboration extends over long periods of time, criminals may not know the other's name and address (Desroches, 2005, pp. 126–127; Reuter, 1983, p. 115; Reuter & Haaga, 1989, p. 44).

Generally speaking, concerns for secrecy lead to the segmentation of criminal structures. In the case of illegal enterprises, this means that responsibilities are divided and tasks are being delegated so that no individual member has complete knowledge about who is involved and what specific activities are being carried out (Reuter, 1983). A criminal who ran several drug labs together with a long-time business partner explains how segmentation is achieved as follows:

When you become a laboratory man, everything is done to ensure the utmost secrecy. Here's me and my partner of 12 years. We've done multimillion-dollar deals together, yet he doesn't even know where the dope is kept or where the cash is kept. Only me. He doesn't need to know. He dealt with other customers that I never met. There was no need for me to meet them or to know who they were. You divide up the division of labour and everything is so segmented and secret. Everything is compartmentalized. (as cited in Desroches, 2005, p. 125)

The effect of this kind of information management is that in the case of disloyal behavior—for example, when someone becomes a police informant—the consequences are limited, as the information that can be passed on may not be sufficient for an arrest or a conviction.

Incentives and Disincentives

In addition to strategies designed to diminish opportunities for and the consequences of disloyal behavior, there are also strategies aiming at the decision-making of accomplices. These strategies involve giving incentives for loyal behavior and disincentives for disloyal behavior in order to reduce the likelihood of betrayal. Incentives, most obviously, may come in the form of monetary rewards—for example, when an illegal entrepreneur pays his or her employees disproportionately high wages (Reuter, 1983, p. 116). Similarly, nonmaterial

rewards in the form of, for example, attention, respect, and affection, may induce loyal behavior (Desroches, 2005, p. 156).

In the opposite direction, accomplices may be discouraged from disloyal behavior by the threat of punishment. There are some forms of punishment among criminals that are nonviolent in nature. For example, monetary compensation may be demanded before collaboration is resumed, a drug dealer may no longer supply drugs on credit, or the individual who has been disloyal may be excluded from future interaction altogether (Adler, 1985, p. 70). However, violence is the focal point in many discussions of how criminal structures are held together.

Violence as a Functional Alternative to Trust

Violence is viewed by some as a defining characteristic of organized crime. While this may be an overly narrow conception, it is safe to assume that the actual or potential use of violence has some relevance for many if not all aspects of organized crime. That is why violence is a recurring theme throughout this book. In the present context, the question is to what extent and in what way the threat or use of violence accounts for the existence of criminal structures as a functional alternative to trust (Arlacchi, 1998, p. 211).

Violence can be the basis for the formation of criminal structures in the very direct sense that individuals are coerced into participating in criminal activities and into joining a criminal organization. Reuter and Haaga (1989, p. 43), for example, report a case where South American drug traffickers kidnapped a woman to force her husband to do business with them. Apart from these rather rare occurrences, violence is widely regarded as an explicit or implicit option for responding to disloyal behavior. This constant threat of violent retribution for wrongdoing may promote a sense that disloyal behavior is unlikely and that therefore the risk of cooperating with other criminals is minimized (see, e.g., Denton & O'Malley, 1999; Desroches, 2005, p. 120; Junninen, 2006, p. 70). At the same time, violence can also be a means for minimizing the consequences of disloyal behavior. For example, buyers of illicit goods who are delinquent on their payments may be coerced into paying up. Kidnappings are reportedly used by some drug traffickers to collect outstanding debts (Zaitch, 2002, p. 269). Likewise, violence can be used to neutralize the threat from informants. They or close relatives may be threatened or killed, although witness protection programs may reduce the effectiveness of such strategies (Desroches, 2005, pp. 120–121; Chapter 14).

There is some debate on the actual level of violence among criminals. While there are cases of high levels of violence, for example in the Mexican “drug war” (Beittel, 2011), most studies that have looked at this issue, it seems, have found that the avoidance of violence rather than the use of violence is characteristic of criminal structures. Damian Zaitch, for example, in talking to Colombian drug traffickers, was “amazed about the number of conflicts that did not lead to physical violence” (Zaitch, 2002, p. 262; see also Desroches, 2005, p. 120; Junninen, 2006, p. 68–70; Schlegel, 1987).

The secondary importance of violence has been explained by the costs of the use of violence and the costs of a reputation of being violence prone (Reuter,

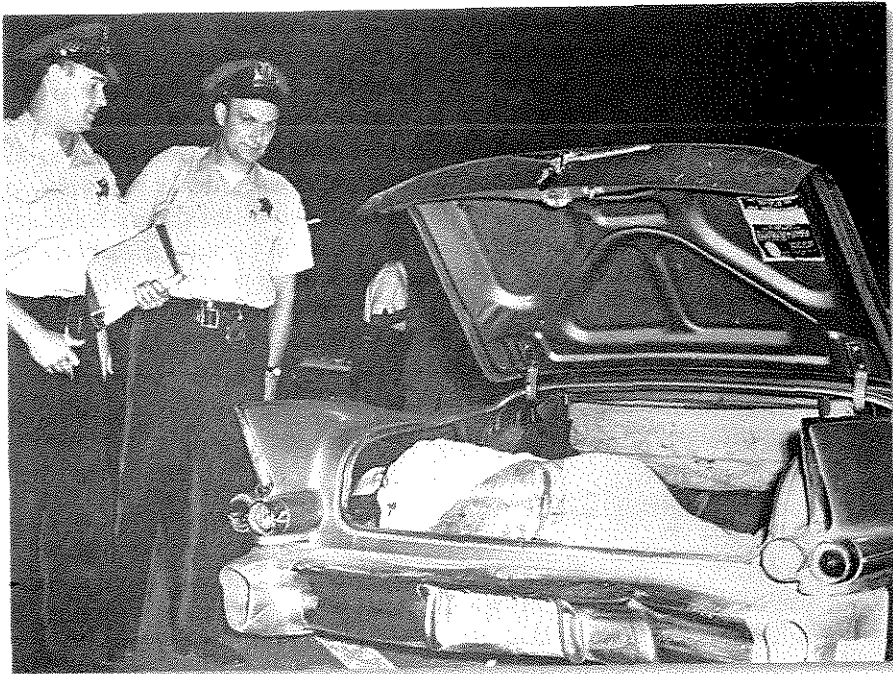


Image 5.4 The decomposing body of William “Action” Jackson is found in the trunk of his Cadillac in downtown Chicago in August 1961. Jackson collected debts on usurious loans for members of the Chicago “Outfit” and had come under false suspicion of being an FBI informant. He was tortured to death in a meat rendering plant with the use of a meat hook, a cattle prod, a hammer and ice picks (Roemer, 1989, p. 280). Violent acts like these are meant to become public. They send a message that violations of the underworld code will not go unpunished.

Photo: Bettmann/Corbis

1983; Gambetta, 2009, p. 36). Violence may attract unwanted attention from the public and from law enforcement. And “too much violence can discourage potential business partners to deal with a reputed violent entrepreneur” (Zaitch, 2002, 264; see also Desroches, 2005, p. 150; Reuter, 1983, p. 151).

The level of violence may vary with the circumstances and with the individuals involved. For example, it has been noted that an increase in violence occurred in the illegal drugs market in the United Kingdom in the 1970s following a transition from dealers with mostly a middle-class background to dealers from the ranks of professional lower-class criminals (Dorn, Murji, & South, 1992, p. 39). Still, it seems that even where violence is less prevalent it remains “a matter of last resort” for dealing with conflicts within criminal structures (Edelhertz & Overcast, 1993, p. 128; see also Denton & O’Malley, 1999, p. 524; Junninen, 2006, p. 70; von Lampe, 2006b).

CRIMINAL STRUCTURES: SUMMARY AND CONCLUSION

This chapter has discussed criminal structures, defined as arrangements of interpersonal relationships that have an impact on the commission of crime. Two main issues have been addressed: how criminal structures can best be classified and how criminal structures emerge and persist.

Following a review of classifications that can be found in the organized crime literature, a three-fold typology has been proposed based on the functions that criminal structures perform. According to this typology, one needs to differentiate entrepreneurial, associational, and quasi-governmental structures. Entrepreneurial structures enable criminals to pool resources and to coordinate their activities to achieve material gain through market-based or predatory crimes. Associational structures provide status, cohesion, and mutual support, and they provide a forum for communication, thereby strengthening deviant values. Quasi-governmental structures regulate the behavior of criminals in the areas under their control. They enforce certain rules and settle disputes, and they may neutralize law enforcement through centralized corruption, thereby reducing the risks and uncertainty that criminals face in committing crimes and interacting with other criminals.

There are inherent risks in interacting with other criminals, as these may turn out to be police informants or fraudsters or thieves. A key challenge for organized criminals, therefore, is to reduce the risk of betrayal. A number of risk-minimizing strategies that criminals use have been discussed. These include the selection of trustworthy accomplices and measures to reduce the opportunities for and benefits from betrayal. Much of this discussion has centered on the importance of trust and violence. Trust rooted, for example, in kinship, friendship, and legal business relations is highly relevant but not always present in criminal structures. Violence can be a functional alternative to trust, and it is a latent option for criminals as a means of coping with the risk of betrayal. However, it may be more appropriate to assume that avoidance of violence rather than the use of violence characterizes criminal structures.

Criminal structures, be they entrepreneurial, associational, or quasi-governmental, can take on different forms. The classification of markets, networks, and hierarchies highlights different levels of interdependence between interacting criminals. Pure market relations between fully independent actors are rare in illegal as well as legal contexts as interaction tends to be embedded in preexisting relations. In most cases, criminals interact within network structures where individuals make autonomous decisions, but they are bound by underlying ties that would be jeopardized by disloyal behavior. Out of networks more integrated structures can emerge that guide and coordinate the interaction of individual participants.

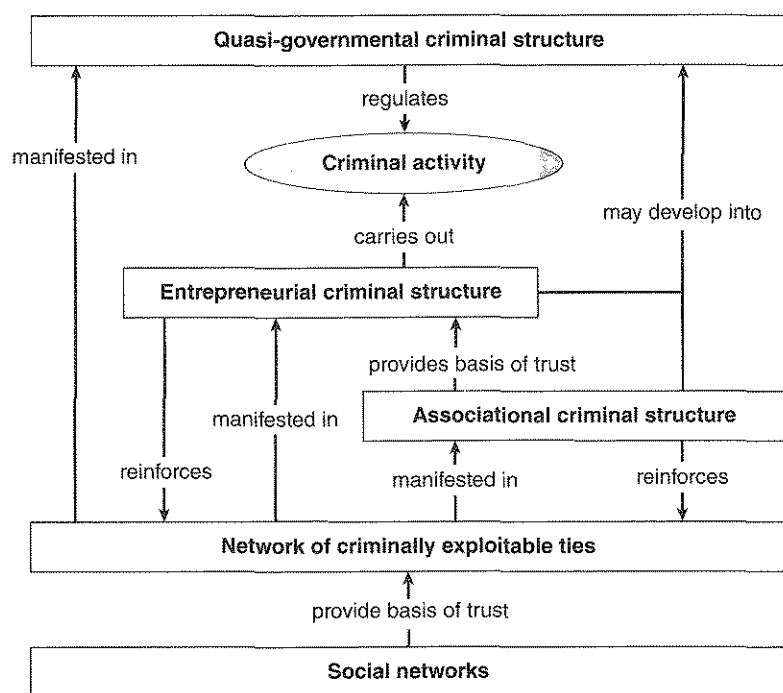
Criminal investigations tend to produce only snapshot images of more far-reaching and more complex webs of relations that link criminals in a variety of ways. It is important to look beyond tangible relations in the form of co-offending networks or in the form of shared membership in formal criminal associations. A more complete picture is obtained when one looks at the underlying networks of criminally exploitable ties, of which manifest criminal structures tend to represent only a smaller part. In addition, one needs to take into account how new criminally exploitable ties are formed to understand the level of resilience of criminal structures.

In the end, what follows from this general discussion of criminal structures is that criminal behavior can be shaped and influenced by various partly overlapping and interdependent patterns of interaction and association. As Figure 5.5 depicts, a given organized criminal endeavor (criminal activity) is the product of the interaction of a specific set of co-offenders that are linked to each other in some form of entrepreneurial criminal structure. This entrepreneurial structure may be embedded in a broader network of criminally exploitable ties, which means that the co-offenders are part of a larger pool of individuals willing and able to assist each other in criminal endeavors. This willingness may be derived from underlying bonds of trust rooted in and reinforced by previous interaction in entrepreneurial criminal structures and derived from preexisting social networks. Confidence in accomplices may also be the result of shared norms and values stemming from joint membership in an associational criminal structure, such as a mafia organization or an outlaw motorcycle gang. It is likely that a criminal association, in turn, also relies on criminally exploitable ties for recruiting

new members; at the same time, a criminal association will reinforce and create networks of criminally exploitable ties by creating fraternal bonds between its members. Finally, the criminal endeavor may be influenced by a quasi-governmental criminal structure that may, for example, restrict or tax certain criminal activities and may offer a mechanism for nonviolent conflict resolution. Such a quasi-governmental structure, like the other types of criminal structures, is a manifestation of criminally exploitable ties. In some cases, quasi-governmental criminal structures grow out of associational or entrepreneurial structures.

Against the backdrop of the various overlapping and interdependent structures that may influence organized criminal activity, it should be obvious that in most cases one cannot expect an easy and straightforward answer to the question: How organized is it? What is required is a differentiated analysis. In the following chapters, entrepreneurial, associational, and quasi-governmental structures will be discussed in greater depth. This provides the opportunity for adding more detail to the many facets of the organization of criminals.

Figure 5.5 Interplay of Different Kinds of Structures in Influencing Criminal Activities



This graph depicts how different types of relations between criminals may influence a given criminal activity. It highlights the interrelations between the three basic types of criminal structures (entrepreneurial, associational, and quasi governmental) and their embeddedness in broader networks of criminally exploitable ties, which in turn may grow out of normal social networks.

Discussion Questions

1. Imagine you are visiting a country under a dictatorship and you need to escape prosecution because you have publicly made a derogatory remark about the dictator. Who would you trust to help you? An aunt who is a member of the ruling party? A long-time business partner of yours who has a branch office in the country? A pickpocket you observe in a public square?
2. As a criminal, would you rather be feared or loved?
3. Is it possible for criminals to collaborate over an extended period of time without a common basis of trust?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to the importance and basis of trust in the interaction with other criminals.
2. Analyze the autobiography of an organized criminal with a view to the importance of the threat and use of violence.
3. Analyze the autobiography of an organized criminal and examine for one specific event that is described in some detail for the importance of entrepreneurial, associational, and quasi-governmental structures.

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CHAPTER 6



Illegal Entrepreneurial Structures

INTRODUCTION

The previous chapter has introduced three basic types of structures that connect criminals: entrepreneurial, associational, and quasi governmental. These structures differ with regard to the functions they perform, and they each represent unique responses to the specific challenges that criminals face. In this and the two following chapters, these three functional types will be examined one by one, beginning with illegal entrepreneurial structures in this chapter, followed by illegal associational structures in Chapter 7 and illegal quasi-governmental structures in Chapter 8.

The three chapters are similar in that they investigate the specific nature and main characteristics of each type of structure. At the same time, there are important differences between this chapter and the following two chapters reflecting differences in the underlying phenomena and differences in the way these phenomena have been studied. Illegal associational and especially illegal quasi-governmental structures are somewhat limited in number, and research tends to concern itself with just a few notorious cases. In contrast, there are countless illegal entrepreneurial structures, and research tends to be less interested in the specifics of individual cases in their own right and more oriented toward answering general questions about the organization of criminals. In fact, many of these studies are of relevance not only for understanding entrepreneurial structures, but insights from analyzing how criminals organize around illegal economic activities can also be applied to associational and quasi-governmental structures. That is why this chapter serves in part as a further, more in-depth introduction to the study of criminal structures in general.

Entrepreneurial criminal structures as defined here are patterns of relationships centered on economic activity in a broad sense. Criminals are connected in ways that help in obtaining financial or other material benefits, mainly by producing, buying, and selling illegal commodities (goods or services). Typical entrepreneurial criminal structures include such phenomena as drug trafficking groups, illegal gambling casinos, and illegal brothels, all of which cater to

willing customers. However, the category of illegal entrepreneurial structures also includes structures centered on predatory crime such as theft and fraud or collective sexual abuse. This broad conception of illegal entrepreneurial structures is not particularly exotic. It is in line with the conception of organized criminal group of the UN Convention against Transnational Organized Crime (see Schloenhardt, 2012, p. 155).

Entrepreneurial criminal structures can take on different forms. Following the classification of markets, networks, and hierarchies introduced in the previous chapter, three ideal types of illegal entrepreneurial structures can be distinguished: illegal *markets*, illegal entrepreneurial *networks* and illegal firms (*hierarchies/organizations*).

Illegal firms are delineable organizational entities that are roughly similar in function to organizations in the legal economy, commonly referred to as businesses, business enterprises, enterprises, corporations, or firms (see Moore, 1986, p. 55). Apart from one-person operations of individual entrepreneurs, they consist of a number of individuals who are integrated into an overarching structure that directs and coordinates their actions in pursuit of a common purpose—for example, the distribution of drugs. It should be noted that the term *firm*, as it is used here, is borrowed from economics. It is different from the more associational, family-based structures Dick Hobbs (2001; Hobbs, 2013) and other British authors commonly refer to as firms in their research of the underworld in England.

Illegal entrepreneurial *networks*, like illegal firms, are centered on a specific economic activity, such as the distribution of drugs, but with a lower level of integration and coordination. As discussed in the previous chapter, network relations as an ideal-type are connecting autonomous parties who make independent decisions. At the same time, there are underlying longer-term relationships at stake. The underlying bonds that connect the network members reduce the likelihood of the pursuit of self-interest by one at the expense of the other. As also indicated in the previous chapter, networks and firms are not necessarily mutually exclusive. While there are entrepreneurial networks that are just that, that is, networks, the transition to the more integrated structure of an illegal firm is fleeting, and it may be a matter of perspective whether a particular set of individuals is analyzed in terms of a network or in terms of an organization.

Illegal *markets* are arenas of regular voluntary exchange of illegal goods or services under conditions of competition (Beckert & Wehinger, 2011, p. 2). As an ideal typical coordinating mechanism, illegal markets are defined by transactions between independent, autonomous parties of one-off exchanges. The interaction between fully independent individuals, however, is a rather rare occurrence, given that the exchange of illegal goods and services tends to be embedded in preexisting social relations (see Chapter 5).

Illegal firms are typically not self-sufficient, isolated entities. They are commonly part of larger entrepreneurial criminal structures through which they can obtain required resources and distribute illegal goods and services. This means that illegal firms (including individual entrepreneurs) are usually connected to other illegal firms and ultimately to consumers by market relations or, more likely, by network relations. The only exception would be self-sufficient groups of predatory criminals who keep their ill-gotten gains for their own consumption.

The conception of markets, networks, and hierarchies rests on the assumption that economic activity is not necessarily linked to one specific structural form. In other words, the same kind of task in the production and distribution of legal or illegal goods and services can be accomplished through market exchanges, through cooperation within a network, through the joint efforts of the members of one firm, or through a combination of these patterns of interaction. This means that in a given area of crime, it depends on the circumstances whether criminals interact in a market setting, within network structures, or as members of an illegal firm. This also means that the organizing mechanism for a given criminal activity may change over time. For example, market-based relations may transform into network relations and network relations into hierarchical relations, just like individuals may leave a hierarchical structure only to continue to contribute to the illegal firm on a “freelance” (network) basis.

Southerland and Potter (1993), in reviewing the pertinent empirical research, summed up this notion of the fluidity of criminal entrepreneurial structures as follows:

Organized crime consists of a large number of actors coming together in an organization, leaving that organization, forming and re-forming new organizations, and entering into a series of partnerships. All of this occurs in a constantly shifting panorama of criminal activity and organizational configurations. There is no single criminal organization. There are overlapping roles and relationships in a continually changing census of crime enterprises. (Southerland & Potter, 1993, p. 262)

The fluidity of criminal structures poses considerable challenges for researchers (and intelligence analysts) when they set out to define and identify units of analysis. They have to separate out discernible structures from at times confusing webs of relations and interactions. The task of identifying coherent criminal structures, namely illegal firms, is particularly problematic because written contracts, constitutions, and bylaws that define and shape organizations in the legal spheres of society are largely absent in the illegal spheres of society.

In addition, illegal firms as understood here commonly lack formalized procedures and symbols to mark their boundaries, unlike associational structures such as outlaw motorcycle gangs or Japanese yakuza organizations that use initiation rites, tattoos, and distinct clothing to distinguish their members from outsiders (see Chapter 7).

Another key challenge apart from delineating specific illegal entrepreneurial structures for analysis is to determine under what circumstances particular organizing mechanisms (markets, networks, or hierarchies) come into play. This question is discussed in the academic literature primarily with respect to the factors that account for the emergence of illegal firms from more diffuse entrepreneurial structures.

Another question is how illegal entrepreneurial structures, once they have come into existence, are shaped and what factors account for the variations that can be observed. This is a question that is raised with regard to illegal markets, networks, and firms. In this chapter, however, only the characteristic features of illegal entrepreneurial networks and illegal firms will be examined. The structure

of an illegal market is primarily a matter of the relations between large numbers of illegal firms and entrepreneurs and therefore is an issue situated on a higher level of observation and is best discussed in a later chapter (Chapter 8).

The discussion of the structural characteristics of illegal networks and firms encompasses two main issues. The first issue is how to conceptualize networks and organizations beyond the vague and ambiguous language of “loosely structured” versus “tightly organized” that is annoyingly pervasive in the organized crime literature. The second issue is how to account for the differences in structure that can be observed across illegal entrepreneurial networks and across illegal firms. One fundamental question from organization studies that is also relevant here is whether an organization determines its actions or whether actions determine an organization (Smith, 1994, p. 121). Another key question is to what degree illegal businesses can be organized similar to legal businesses and to what degree illegality imposes constraints on the organization of criminals.

Before these questions are addressed, a case study of a drug trafficking operation is presented. This case study is meant to illustrate some salient features of illegal entrepreneurial structures and to provide a concrete empirical reference point for the subsequent discussion.

CASE STUDY: THE LAVIN ENTERPRISE

The following is a brief description of perhaps the best-documented case of a drug distribution enterprise operating within the United States. Two detail-rich books, written by journalists Carol Saline (1989) and Mark Bowden (2001), trace the story of a Philadelphia-based wholesale business that sold marijuana and then cocaine on an increasing scale between the mid-1970s and mid-1980s. By 1983 the business reportedly had a monthly turnover of between 60 and 80 kilos of 95 to 98 percent pure cocaine, which was distributed locally and to customers in different parts of the United States. The mastermind behind this drug enterprise was Larry Lavin. He attended college and dental school at the University of Pennsylvania and later worked as a dentist in Philadelphia until he was arrested in September of 1984 at the age of 29. While the accounts of Saline and Bowden are not always consistent, a fairly clear picture of the structure of this drug operation emerges from a careful reading of both books.

The Lavin enterprise went through distinct phases in the roughly ten years of its existence, marked by a gradual shift from the distribution of marijuana to the distribution of cocaine in the late 1970s and a series of changes in management starting in 1980. At that time, Larry Lavin handed over the day-to-day business to a dental school classmate who was the first in a string of managers who, for different reasons, gave up this position after relatively short periods of time. In the course of the first half of 1984, Larry sold his business by gradually transferring his customers to another Philadelphia drug dealer, Frannie, who had previously been a competitor.

Larry became a drug dealer in 1974, in his sophomore year in college. Through his “big brother” in the fraternity, he had gained access to suppliers who were willing to front him ten pounds of marijuana, which he was able to sell to friends within a week. The volume of his sales grew quickly, and soon he purchased marijuana in bulk from different sources, mainly in Florida. The expansion of his

business seems to have been attributable to a marketing strategy based on two principles: (a) the packaging of the drugs by weight and quality according to customer preferences, and (b) the willingness to front drugs and to wait for payment until after Larry’s customers had sold the drugs on to their respective customers. This strategy required detailed records of purchases, sales, and debts, which Larry initially kept in the form of tiny handwritten notes (Bowden, 2001, pp. 37–38). Early on Larry drew on the help of fellow students to procure, package, and deliver drugs. He closely collaborated with two students in particular, L. A. and Andy, who were in their junior and freshman year, respectively, when Larry started dealing marijuana as a sophomore. By early 1975, Larry and L.A. had formed a partnership and evenly split the profits from their drug dealing, with L.A. handling the procurement of drugs and Lavin focusing on the distribution. After L. A. got arrested on a purchasing trip to Florida in 1976, Lavin offered Andy to become a full partner (Bowden, 2001, p. 36). Andy made trips to Florida from then on until he himself was arrested while returning by train with about sixty-five pounds of marijuana hidden in two suitcases. Andy, who later had the charges against him dropped on legal grounds, remained a partner in the business; however, the runs to Florida were assigned to three other students recruited for this purpose (Bowden, 2001, pp. 58–59). This meant that at this point in time the Lavin drug enterprise was made up of at least five co-offenders who collaborated on a continuous basis.

With the increasing size of shipments, the transportation of marijuana from Florida to Philadelphia became more and more of a challenge. At the same time, consumer preferences gradually began to shift from marijuana to cocaine, which was easier to transport and to conceal. In addition, cocaine provided for much higher profit margins per weight unit. It is not surprising, therefore, that before long Larry began dealing cocaine. The initial purchases, half kilos and soon two kilos at a time, were joint investments by Larry and several of his long-time friends (Bowden, 2001, p. 79).

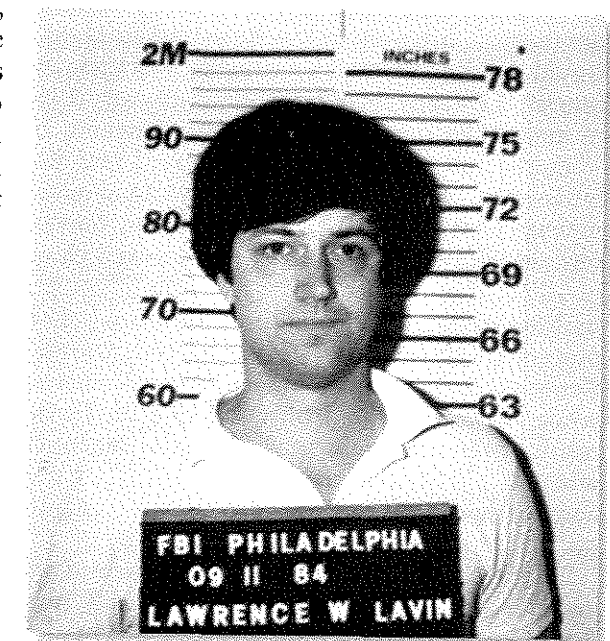


Image 6.1 Larry Lavin after his arrest in 1986. He had been a fugitive for a year and a half, living with his family under an assumed name in Virginia Beach, Virginia.

Photo: http://cdn2-b.examiner.com/sites/default/files/styles/image_content_width/hash/e1/ce/e1ce0e792604ad54cdcf7033595bab02.jpg?itok=21tRL_74

ILLEGAL ENTREPRENEURIAL STRUCTURES: SUMMARY AND CONCLUSION

This chapter has discussed how criminals organize themselves around illegal economic activities and how the patterns of relations between these criminals are predicated by the particular activity engaged in. Under the general category of illegal entrepreneurial structures, three ideal types of coordinating mechanisms have been distinguished: illegal markets, illegal entrepreneurial networks, and illegal firms—the latter in the sense of coherent organizational entities. Focusing specifically on networks and organizations, it has been pointed out that because of the fluidity of illegal entrepreneurial structures the boundaries of illegal firms may be fleeting and that it may be a matter of perspective whether to analyze a given structure in terms of networks or organizations.

The main emphasis of this chapter has been on the factors that potentially influence how illegal entrepreneurial structures are shaped. A number of structural features of networks and organizations were highlighted as well as a number of ways in which illegality imposes constraints on the organization of criminals. However, it must be cautioned that it would be an oversimplification to assume that illegal firms are always and inevitably small and ephemeral. Under favorable circumstances, illegal firms can grow to be quite large, complex, and durable, and sometimes organizational growth is a means to cope with a hostile environment, namely, by adding layers of peripheral employees to insulate a core group of criminal entrepreneurs. What is most remarkable about illegal entrepreneurial structures, then, is the great variety in the patterns of relations connecting criminals engaged in illegal economic activity.

Discussion Questions

1. Is it possible to run and organize an illegal business just like a legal business?
2. What difference does it make if a particular illegal economic activity—for example, the distribution of drugs—is carried out by an illegal firm rather than within a less integrated illegal entrepreneurial network?
3. Is it wise for an illegal entrepreneur to insulate him- or herself from the actual commission of crimes through the use of “expendable” employees?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to the way illegal economic activities are structured in terms of markets, networks, and hierarchies.
2. Analyze the autobiography of an organized criminal with a view to how much effort is placed on increasing security versus increasing the efficiency of illegal economic activities.

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CHAPTER 7



Associational Structures

INTRODUCTION

This chapter continues the examination of the three basic types of structures that define the organization of criminals: entrepreneurial structures, associational structures, and quasi-governmental structures. The previous chapter discussed entrepreneurial structures that link criminals who interact in the commission of one or a number of crimes. Entrepreneurial structures, by definition, are centered on economic activities in a broad sense. They are geared toward attaining financial or other material benefits through market-based crime (e.g., drug dealing) or predatory crime (e.g., burglary). In contrast to illegal *entrepreneurial* structures, this chapter examines *associational* structures, which support illegal economic activities only indirectly, by serving functions of a social nature. For example, associational structures facilitate contacts between criminals; they give status, reinforce deviant values, and provide a forum for the exchange of criminally relevant information (Haller, 1992).

In accordance with the terminology of the previous chapters, *structure* is used as a generic term. The term *associational structure* refers to a wide range of patterns of relations. In contrast, the term *association* as used here pertains more narrowly to organizational entities with a coherent structure and some degree of formalization, especially with regard to the definition of membership.

CASE STUDIES OF ASSOCIATIONS OF CRIMINALS

Before systematically examining the structure and functions of associational structures, case studies of four notorious associations of criminals are presented. These associations have received considerable attention in the debate on organized crime: the Sicilian Mafia (Cosa Nostra), Chinese triads, focusing primarily on Hong Kong-based triads, the criminal fraternity Vory v Zakone (Thieves in Law), which originated in the Soviet Union, and the Hell's Angels, as one manifestation of the phenomenon of so-called outlaw motorcycle gangs. The term

illegal associational structures is intentionally avoided here because outlaw motorcycle gangs are not necessarily illegal organizations per se.

Case Study: The Sicilian Mafia (Cosa Nostra)

The Sicilian Mafia, also known as Cosa Nostra, has been at the center of a fierce academic debate for decades. Scholars have held fundamentally different views about the nature and purpose of the Sicilian Mafia and have disagreed on whether or not it constitutes an organizational entity at all. Some have argued that the Mafia is simply a method in a power play or a cultural trait, a way of life inextricably linked to Sicilian culture (see Hess, 1996, pp. 10–13). This view is no longer tenable, however. Based on the testimony of numerous mafiosi who have become state witnesses, it can now be considered an established fact that the Sicilian Mafia is indeed a coherent organization made up exclusively of men—to the exclusion of women and children—who belong to one of about one hundred local units, so-called families or *cosche* (Paoli, 2003a, p. 5). The Mafia is “a formal, secret association, with rigorous rules of conduct, decision-making bodies, specific functions, plans of action, and clearly defined admissions procedures” (Arlacchi, 1993, p. 6). What is still in dispute is the exact purpose and structure of this secret association and how important the overall organization is compared to the individual families and individual members.

One key aspect that will be discussed further in later chapters (Chapter 8 and Chapter 10) is the role of individual families of the Sicilian Mafia in controlling and regulating illicit and licit economic activities in certain parts of Sicily and beyond. According to one study, an estimated 70 percent of shops in Sicily and 80 percent of all businesses in the city of Palermo pay protection money to the Sicilian Mafia (as cited in Partridge, 2012, p. 345). It is with reference to this quasi-governmental function that Diego Gambetta speaks of the Sicilian Mafia as “a specific economic enterprise, an industry which produces, promotes, and sells private protection” (Gambetta, 1993, p. 1).

In the present context of associational criminal structures, the focus is on the Sicilian Mafia in terms of a “secret society,” a “criminal fraternity” (Paoli, 2003a, p. 87). As such it is said to serve two main functions: (a) protection of its members’ interests—namely, those interests that are linked to illegal activities, through mutual aid and support—and (b) avoidance and resolution of conflicts among its members through a system of rules and procedures (Arlacchi, 1993, p. 8; Lupo, 2009, p. 27).

The origins of the Mafia go back to the 1800s. At that time, a power vacuum existed in Sicily in the wake of the abolition of feudalism and the struggles of the newly formed state of Italy to establish its authority (Paoli, 2003a, p. 179). In the western parts of Sicily, the area of the port city of Palermo where agriculture and commerce prospered, the power vacuum was filled by groups who offered private protection services to landowners, farmers, and merchants (Catanzaro, 1992; Gambetta, 1993). A number of these groups came to share the same freemasonic rituals and oaths. Why these groups took cues from freemasons and arrived at a standardized form of organization is not clear. Salvatore

Rule violations appear to be widespread—for example, in the Sicilian Mafia (see, e.g., Arlacchi, 1993). At the same time, the enforcement of rules often seems to be handled flexibly and selectively. Particularly valuable members may be spared punishment even for severe transgressions (Gambetta, 1993, pp. 120–121). Finally, it should be noted that the internal judicial system, where it is linked to specific individuals, may be abused. Cressey, for example, has argued that the entire code of honor of the Mafia, because it is unwritten, serves as an instrument of power in the hands of the bosses. The code of honor “can be said by the rulers to provide for whatever the rulers want, and to prohibit whatever the rulers do not want” (Cressey, 1969, p. 204).

DELINEATING ASSOCIATIONAL STRUCTURES FROM ENTREPRENEURIAL STRUCTURES AND FROM QUASI-GOVERNMENTAL STRUCTURES

Associational structures do not always appear in pure form. Sometimes there is an overlap with entrepreneurial structures, respectively with quasi-governmental structures, or both. It may be that an associational structure is at the same time an entrepreneurial structure. This would be the case when the members of an associational structure jointly engage in criminal activity. However, this seems to be an exception rather than the rule because it is unlikely that the position occupied by a member in relation to the other members is identical irrespective of whether the group engages in social or in economic activities (see Morselli, 2009a; Tenti & Morselli, 2014). The greatest approximation to an overlap of associational and entrepreneurial structures can perhaps be seen in “corporate street gangs” (Levitt and Venkatesh, 2000; see also Venkatesh, 2008), where features of mutual protection societies coincide with features of drug dealing organizations. For example, those higher in the gang hierarchy may provide lower-level members with drugs (Densley, 2012, 2014). The often made claim, however, that street gangs function as business enterprises, should be met with caution, as this claim may well be a misconception resulting from a failure to distinguish between what members do and what the gang as an organizational entity does. Decker, Bynum, and Weisel (1998), for example, note that in their interview-based study of four street gangs in the United States, there was a great disparity between general statements by gang members “that their gang organizes drug sales (between 63 percent and 80 percent)” and the responses to specific questions that revealed that members sold drugs independently. As Decker et al. (1998, p. 412) explain, “gangs play a role in these sales, largely through contacts that exist within the gang and in cliques or sub-groups of friends in the gang,” and the degree of organization “is primitive at best, and at worst non-existent.” Likewise, James Densley concludes from interviews with members of several street gangs in London, England, that even though drugs are supplied through the internal gang hierarchy, “drug sales are fundamentally an individual or small-group activity, not coordinated by the collective gang. The gang instead provides the reputational and criminogenic resources to sustain the enterprise” (Densley, 2014, p. 533).

What may distinguish the case of street gangs from that of other criminal associations is that street gang members, especially lower-ranking members, are less likely to cooperate with outsiders in profit-making criminal activities given the divisive nature of gang affiliations in gang-dominated areas. It may be for this reason that illegal enterprises appear to be encapsulated within street gangs.

Rather than hybrids of criminal associations and illegal enterprises, it seems more likely to see an overlap between associational and quasi-governmental structures (see Chapter 8). For example, in the case of the Sicilian and the American Cosa Nostra, the internal governance function is extended to nonmembers who operate in the territory controlled by a given Mafia family (Gambetta, 1993). Under these circumstances, associational and quasi-governmental structures merge into one pyramidal edifice. Protection and conflict-resolution services are provided to the respective lower levels, from the mafia boss down, all the way through the senior, mid-level and lower ranks within the mafia hierarchy to protected, that is, connected nonmembers (associates). In the opposite direction, tribute payments are passed upwards through the mafia hierarchy. These payments are often fixed percentages of the illicit income of the respective next lower level. For example, a mafia associate who runs a gambling casino might give a 50 percent share of his profits to the mafia member he is associated with. This mafia member, in turn, will pass on part of this sum, along with a share of the profits from other illicit activities, to the person above him in the mafia hierarchy. This ranking member likewise will share a percentage of the money with his respective superior, and so on, depending on the number of hierarchical levels in a given mafia association (Pistone, 1989, p. 78). The pattern of overlapping associational and quasi-governmental structures is by no means unique to the Cosa Nostra organizations in Italy and the United States. It can also be observed in other criminal associations, for example, Japanese yakuza groups (Hill, 2003, p. 90).

The overlap of mafia-type criminal fraternities and underworld governments should not come as a surprise because the structure of the organization, a hierarchy with centralized authority, is compatible with both functions (associational and quasi government). An overlap of different functions may also occur where within an associational structure a parallel structure exists that is more entrepreneurial in nature. For example, in the case of the German Ringvereine, reportedly an inner circle existed parallel to the official executive committee of each club. The inner circle consisted of the most outstanding criminals who directed the illegal side of club business, such as the planning of crimes, the retaliation against delinquent members and outsiders, and the distribution of loot (Hartmann & von Lampe, 2008, p. 118). In any case, the challenge for researchers and crime analysts is to discern the exact nature of the relations that link a given set of criminals and to avoid premature judgments and oversimplifications.

ASSOCIATIONAL STRUCTURES: SUMMARY AND CONCLUSION

This chapter has examined associational structures of criminals. Following the presentation of four case studies (Sicilian Mafia, Hong Kong triads, Vory v Zakone, Hell’s Angels), similarities and differences have been discussed across

the broad range of associational structures that can be found in different countries and in different historical periods.

Associational structures have in common that they serve social functions rather than economic or quasi-governmental functions. Associational structures foster bonds of trust between criminals and provide status, and they constitute a forum for relatively safe communication, thereby facilitating the dissemination of crime-relevant information and promoting deviant norms and values. They promote mutual aid and mutual protection against law enforcement and against predatory or competing criminals. Finally, by setting and enforcing conduct rules, they create a fairly predictable social environment for their members.

Associational structures vary with regard to the degree of formalization, the level of secrecy, and the legal status. Some associational structures, such as friendship networks of criminals, have a low degree of formalization, whereas in the other extreme, there are highly formalized organizations, such as mafia-type associations and those organizations with a legal status, such as outlaw motorcycle clubs that, in addition to being highly formalized, are also highly visible to the general public.

Discussion Questions

1. Does it make a difference whether an individual criminal keeps to him- or herself or is part of a criminal association?
2. Does it make a difference whether or not a criminal association uses elaborate initiation ceremonies?
3. Does it make a difference if a criminal association is organized as a secret society, such as a Chinese triad, or as a legally registered organization, where members are publicly recognizable as such through openly worn symbols, such as in the case of an outlaw motorcycle club?

Research Projects

1. Collect information on a street gang and determine to what extent it is an associational structure.
2. Analyze the autobiography of an organized criminal with a view to the importance of associational structures.
3. Analyze a case of white-collar crime with a view to the existence and importance of associational structures of business criminals.

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CHAPTER 8



Illegal-Market Monopolies and Quasi-Governmental Structures

INTRODUCTION

The previous two chapters have examined illegal structures that are centered on either economic or social functions for which the terms *entrepreneurial structures* and *associational structures* have been used. This chapter is devoted to describing and explaining a third category, one that encompasses illegal structures that are political in nature because they are centered on the exercise of power. These phenomena fall into the category of quasi-governmental structures because in their purest, ideal-typical form they do indeed represent some form of underworld government.

Quasi-governmental structures enable certain criminals to control other criminals who operate in a particular illegal market or in a particular geographical area. Quasi-governmental structures regulate behavior, they protect contractual and property rights in the context of illegal business, they provide protection against predatory criminals and against law enforcement, they offer dispute resolution services, and in return, they tax illegal income.

In some cases the influence of quasi-governmental structures reaches beyond the confines of the underworld. Mafia groups in Italy, for example, provide protection to illegal as well as legal businesses, and by protecting legal businesses they enter into direct competition with the state. This will be discussed in greater detail in later chapters (Chapter 10 and 11) as it pertains to the relationship between organized crime on one hand and the legal economy and the state on the other. The present chapter is focused on the governance of criminal milieus and illegal markets.

Quasi-governmental structures are sometimes confused with and have to be distinguished from monopolies in illegal markets. The latter are illegal firms, that is, entrepreneurial structures (see Chapter 6), which face no competition in their respective markets. These illegal-market monopolies are similar to underworld governments in that they exert power. However, this power is economic in nature and is used for economic purposes. Economists speak of “market power.” Simply put, a monopoly allows an illegal firm to impose higher prices because customers do not have the option of switching to a cheaper supplier.

Both illegal market monopolies and quasi-governmental structures and the differences between the two will be discussed in this chapter in some detail. First, however, a case study of perhaps the most notorious quasi-governmental structure in the history of crime is presented: the American Cosa Nostra. At this point it needs to be reemphasized what has repeatedly been pointed out in previous chapters: the three basic types of illegal structures (entrepreneurial, associational and quasi-governmental) are not necessarily mutually exclusive. The American Cosa Nostra, just like other mafia-type organizations, is an example of the overlap of associational and quasi-governmental structures. That is why the case study of the American Cosa Nostra presented below could have been included in the previous chapter on associational structures, just like the case study of the Sicilian Mafia featured in the previous chapter could have been included here. However, while Chapter 7 has highlighted the characteristics that make the Sicilian Mafia an associational structure, this chapter highlights the features of the American Cosa Nostra, which make it—or rather the individual Cosa Nostra families—a prime example of an illegal quasi-governmental structure. What is important to bear in mind is that the distinction between associational and quasi-governmental structures is made for analytical purposes and to avoid comparing apples and oranges where associational and quasi-governmental structures manifest themselves in separate entities.

CASE STUDY: THE AMERICAN COSA NOSTRA

The American Cosa Nostra, also referred to as American Mafia or—in FBI jargon—La Cosa Nostra or simply LCN, is a mafia-type organization with great similarities to its southern Italian counterparts, namely the Sicilian Mafia, the Neapolitan Camorra, and the Calabrian ‘Ndrangheta. It is a criminal association centered on mutual aid and mutual protection and at the same time it has functioned in some places as a form of underworld government (Anderson, 1979; Haller, 1992).

The origins of the American Cosa Nostra can be traced back to the immigration of Italians to North America in the late 1800s and early 1900s. Although there is no indication that Italian mafia-type organizations made a conscious attempt to expand to the New Continent, mafiosi and camorristi were among those immigrants and became involved in organized criminal activities in the United States. While the exact circumstances of the formation of the American Cosa Nostra as a distinct organization are in dispute, it can be considered an established fact that by the early 1930s Italian criminals in New York had organized themselves in a number of similarly structured and mutually recognized units called families, each under the leadership of an influential underworld figure (see Critchley, 2009; Dash, 2009; Lombardo, 2010; Varese, 2011). By the 1960s, a total of 24 such families were believed to exist in various parts of the United States, with a clear concentration in New York City with five coexisting families. A second important center of Cosa Nostra presence has been Chicago, where the local branch, a successor to the “Capone Syndicate,” is called “the Outfit” (Cressey, 1969; Lombardo, 2013). The American Cosa Nostra became

A partial overlap of associational and quasi-governmental structures would exist where individual members of the quasi-governmental structure own and operate a monopoly firm. A complete overlap, finally, would exist where a quasi-governmental structure is identical to an illegal firm monopolizing an illegal market (see Anderson, 1979, p. 49). For example, a gang that is selling drugs in its neighborhood and is keeping competition away, thus holding an illegal-market monopoly, may at the same time regulate and tax other illegal activities in its territory, such as gambling and prostitution, thus also functioning as a quasi government. It is a question, however, to what extent quasi-governmental and entrepreneurial structures would indeed be one and the same. Even though the membership may be identical, the structures could still be fundamentally different because of the different organizational requirements of running a business versus running a government (Campana, 2011, p. 223; Densley, 2012). Providing an illegal good or service will tend to be a more time-consuming activity than regulating and taxing illegal behavior (see Chapter 5). Therefore, a gang may function as a quasi-governmental structure with a military-style hierarchy, and at the same time the gang members may operate a drug distribution enterprise on a partnership basis with decentralized authority to flexibly adapt to the intricacies of the drug business (see Chapters 5 and 6).

An analytical framework that accounts for these differentiations is not only necessary for adequately capturing the complexities and variability of criminal structures as such, but it is also important for anticipating the consequences of events, such as the arrest or elimination of individual criminals. The removal of the head of a quasi-governmental structure may undermine the ability to regulate a market and may lead to uncontrolled violence. In comparison, the removal of the head of an illegal firm might disrupt the operations of this firm, and in the case of a monopoly firm, could lead to the emergence of new competitors in the market while the governance structure may well remain unaffected.

ILLEGAL-MARKET MONOPOLIES AND MONOPOLIES OF VIOLENCE: SUMMARY AND CONCLUSION

Following the discussion of entrepreneurial structures and associational structures in the two previous chapters, this chapter has examined two forms in which criminals can achieve dominance over other criminals: illegal-market monopolies and illegal monopolies of violence. The discussion of illegal-market monopolies is an extension of the examination of entrepreneurial structures, more specifically illegal firms, presented in Chapter 6. An illegal-market monopoly exists if there is only one firm or a cartel of firms selling an illegal good or service.

In the case of an illegal monopoly of violence, criminals form quasi-governmental structures. They do not act as an illegal firm engaged in economic activity but as a form of underworld government serving political functions. This entails controlling and regulating an illegal market or a territory functionally similar to the state in legitimate society. Under certain circumstances, the influence of a quasi-governmental structure can extend beyond the underworld into the upperworld. This will be explored in more detail in Chapter 11.

A central point of debate addressed in this chapter has been the question to what extent there is a tendency toward the monopolization of illegal markets. A review of the empirical and theoretical literature suggests that for a variety of reasons, illegal-market monopolies are a relatively rare occurrence, and where they emerge, they are typically confined to highly localized settings.

The question of a trend toward monopolization does not pose itself in the same way with regard to quasi-governmental structures. Illegal governance, just like legal governance, is not practical in the presence of competition. The question instead is under what circumstances and on what scale quasi-governmental structures holding an illegal monopoly of violence come into existence. This is first of all a matter of the power vacuum that legitimate government creates by prohibiting certain goods and services. This vacuum may be filled by criminals who are capable of providing governance services. Respected individuals may assume this role solely based on their social esteem, especially with respect to the arbitration of disputes. But typically the key resources required are the capacity and reputation for the effective use of violence. Just like in the case of illegal-market monopolies, this is most likely in highly localized, transparent settings that are easy to monitor and where a reputation linked to an identifiable and delineable quasi-governmental structure can most easily form. This suggests that on a grander scale the most likely scenario is the co-existence of numerous smaller gangs who each control a small territory based on some formal or informal jurisdictional sharing agreement with neighboring gangs, rather than a process toward an ever-expanding underworld government.

Discussion Questions

1. What is preferable from the perspective of criminals, to hold an illegal-market monopoly or to control an illegal market in the form of a quasi-governmental structure?
2. What is preferable from the perspective of legitimate society, to have an underworld under the control of a quasi-governmental structure or one with no such regulatory framework?
3. What would it take for a criminal gang to establish a monopoly in the cocaine market in your country?

Research Projects

1. Analyze the autobiographies of organized criminals with a view to failed and successful attempts of the monopolization and regulation of illegal markets.
2. Examine the changes in illegal drug prices for a particular area and see if sudden increases or decreases in prices occurred that could be an indicator for the creation, respectively breakdown of a market monopoly.

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PART III



Organized Crime and Society

INTRODUCTION TO PART III

The previous five chapters have examined the various activities and structures associated with organized crime. The umbrella term *organized crime* was broken down into smaller categories along the three basic dimensions of criminal activities, criminal structures, and illegal governance. Three basic types of “organized” criminal *activities* were discussed: market-based crimes, predatory crimes, and illegal governance crimes. Organized criminal *structures* were examined based on the distinction of entrepreneurial structures, associational structures, and quasi-governmental structures. Relatively little attention has been paid so far to the social context of all of these phenomena. The purpose of the following four chapters is to better understand the social position of organized crime. The discussion revolves around two questions. The first question refers to the location of organized crime in society: What segments of society are involved in and affected by organized crime? The second question pertains to the nature of the relationship between organized crime and society: Is organized crime a threat to society, a necessary evil, or an integral part of the social fabric?

The following three chapters will address the general social embeddedness of organized crime (Chapter 9), the link between organized crime and legal business (Chapter 10), and the link between organized crime and government (Chapter 11). In addition, one chapter (Chapter 12) will deal with organized crime on a transnational, global scale, including organized crime in cyberspace.

CHAPTER 9



The Social Embeddedness of Organized Crime

INTRODUCTION

This chapter explores in general terms what place organized crime occupies in society. The focus is on the social embeddedness of organized *crimes*, organized *criminals*, and organized criminal *structures*. The term *social embeddedness* refers, in the first instance, to underlying social relations that enable or at least facilitate the emergence of criminal networks, by providing participants with a common basis of trust (Kleemans & Van de Bunt, 1999; Morselli, 2001). As discussed in Chapter 5, familial, friendship, and community ties are commonly believed to provide the glue that holds criminal structures together, while other social groupings, such as business networks, may also be relevant for the formation of criminal relations.

In a more general sense, social embeddedness refers to the social environment within which organized criminals find themselves. How supportive is society of organized criminals with respect to what they are and what they do? Understood in this way, the starting point for the discussion of the social embeddedness of organized crime is a simple notion: Organized crime is not something that exists in a social or cultural vacuum (Van Duyne, 1996, p. 344; Woodiwiss, 1993, p. 28). In former times, there may have been autarkic, self-contained communities of pirates and highway robbers (“picaresque organizations” in McIntosh’s (1975) terminology) that came into contact with the outside world only when they encountered their next victim. But overall it appears safe to say that organized criminals continuously operate within and interact with a social environment, a social microcosm (Chapter 4) that includes people who are *not* involved in criminal conduct themselves (Kleemans & Van de Bunt, 1999, p. 19). While this is almost a truism, there has been some controversy over the nature of the relationship between organized crime and society. At what level of the social hierarchy can organized criminals be found? Is organized crime something at the margins of society or rather something that is located in the midst of society or even at the top of society? And how hostile or amicable are the relations between organized crime and society; can the two be separated at all? The

different viewpoints can be placed on a continuum ranging from *confrontation* to *accommodation* to *integration*.

When organized crime is framed in terms of delineable criminal organizations, such as the American Cosa Nostra, the relationship between organized crime and society tends to be depicted as adversarial, as a clash between two separate entities. Organized crime, according to this view, is something alien to society, “a malignant parasite” (New York State, 1966, p. 19) that undermines legitimate social institutions and constitutes a “growing threat to the global community” (Mallory, 2012, p. xix). The prototypical organized criminal, according to this perspective, is a foreigner or someone who for other reasons is at the margins of society. Another perspective holds that organized crime coexists with legitimate society. Some interaction and overlap between criminal and legal structures is believed to exist, characterized by “accommodation and compromise” (Smith, 1975, p. 18). A third view, finally, sees organized crime as an integral part of the fabric of society. Organized crime and society, it is argued, form a symbiotic rather than parasitical relationship (Ianni, 1974, pp. 330–331), and even more so, organized crime is seen to be “part and parcel of the overarching social system” (Potter, 1994, p. 183).

It is important to note that these different perspectives may reflect differences in the phenomena that are being observed. It may also play a role through what ideological lens observations are made. And sometimes the controversies seem to be more a struggle over words rather than disagreements in substance. It cannot be the purpose of this chapter to determine which view is the most accurate one. The real world of crime is simply too diverse and complex to be exhaustively addressed from a single vantage point. The purpose of this chapter, instead, is to highlight some of the dimensions across which the relationship between organized crime and society varies and to caution against simplistic conceptions.

The relationship between organized crime and society will be discussed with a view to two recurring themes in the literature. One contention is that the existence of organized crime depends on the public demand for illegal goods and services. The other contention is that organized criminals and criminal organizations are rooted in specific social milieus, subcultures, and local communities.

THE SOCIAL EMBEDDEDNESS OF ORGANIZED CRIME: ILLEGAL GOODS AND SERVICES

✓ To the extent organized crime can be equated with the provision of illegal goods and services, it is easy to say that organized crime and society are inherently linked. One can argue that organized crime only exists because there is a public demand for such things as illegal drugs, illegal gambling, counterfeit designer clothes, smuggled cigarettes, or child pornography (Albini, 1971, p. 55; Block & Chambliss, 1981; Potter, 1994). While this link between the demand for and the supply of illegal goods and services is obvious, there are some complications that need to be considered. First, with the focus on illegal markets, predatory crimes are largely ignored. Second, it is taken for granted that illegal markets are

demand driven. Block and Chambliss (1981, p. 32), for example, contend, “the iron law of capitalism is that where there is a demand there will be a supplier if the profit is high enough” (see also Rawlinson, 2002, p. 296). But this is not a given and does not explain why there are such great variations in the demand for illegal goods and services and why people are willing to pay for illegal goods and services in the first place.

Variations in the Prevalence of Illegal Markets

Illegal markets are not constant across space and time. The abstract statement, therefore, that organized crime exists because there is a demand for illegal goods and services does not explain that much. To begin with, certain illegal goods and services are very popular in some countries and almost unheard of in others. This may be linked to underlying sociocultural and economic differences. For example, the trafficking of children for camel jockeying is concentrated in the Middle East, while being virtually absent in other parts of the world, although other forms of child trafficking do exist elsewhere (Kooijmans & Van de Glind, 2010, pp. 30–32). Obviously, where there is no camel racing, there is no demand for child camel jockeys. However, even in the case of commodities that are omnipresent in the world and for which there is potentially a global illicit demand, there are dramatic differences in the extent of illegal markets. Cigarettes are a case in point.

It has been estimated in the late 2000s that 11.6 percent of the globally smoked cigarettes were illicit, which means they were sold without paying proper taxes, and sometimes they were also illegal because they were counterfeit-brand cigarettes. At the same time, the share of illegal cigarettes has been found to be as low as 1 percent of the overall cigarette market in some countries and as high as 80 percent in others (Joossens, Merriman, Ross, & Raw, 2009). These differences escape simple explanations. Surprisingly, they are not closely linked to different levels of taxation and different income levels. It would seem logical to assume that more smokers will turn to cheap illegal cigarettes where the legal prices (due to taxation) are high and smokers have little money to spend on cigarettes (Farrell & Fray, 2013). However, comparative research has shown that some high-tax countries have had less of a problem with illegal cigarettes than some low-tax countries. In contrast, other factors such as levels of corruption appear more relevant (Joossens & Raw, 1998, 2012).

Illegal drug markets provide another illustration of cross-national variations that are not easily explained. Overall, it is estimated that 4.5 percent of the global adult population use illegal drugs. There are great differences between countries, however, namely with regard to the popularity of particular drugs and the levels of consumption (Anderson, 2006; UNODC, 2014a). Globally the most widely used illicit drug is cannabis. In 2010, prior to the legalization of nonmedical marijuana in parts of the United States and in Uruguay (Pardo, 2014; Room, 2014), an estimated 119 to 224 million persons aged 15 to 64 years, equal to between 2.6 and 5.0 percent of the adult population, had used cannabis at least once. However, prevalence varied considerably. The highest levels of use were found in Australia and New Zealand (up to 14.6 percent of

the adult population), followed by North America (10.8 percent) and Western and Central Europe (7.0 percent). In contrast, cannabis use in Asia was prevalent only among an estimated 1.0 to 3.4 percent of the adult population (UNODC, 2012, p. 8).

Similar discrepancies in the prevalence of consumption can also be shown with regard to other illegal drugs. Prevalence of cocaine use in 2010, for example, was estimated at 2.1 percent in Australia, 2.16 percent in the United States, and 2.2 percent in England and Wales, compared with much lower levels in such diverse countries as Norway (0.4 percent), Russia (0.23 percent), and South Korea (0.03 percent) (UNODC, 2012, Statistical Annex; see also UNODC, 2014a, Annex I, p. xii). One explanation that has been offered for these variations is that drugs are viewed differently in different cultures (Pakes & Silverstone, 2012).

A noteworthy example for cross-national variations is also provided by the synthetic drug methamphetamine, which has historically been very popular in just a few countries—namely, Japan, since World War II, and the Czech Republic (formerly a part of Czechoslovakia), since the 1970s (Hill, 2003; UNODC, 2014a; Zabransky, 2007). This is particularly puzzling because there is apparently no direct link between the Japanese and the Czech methamphetamine markets, and their respective neighboring countries show different patterns of drug use despite similar historical developments and socioeconomic conditions. This is especially true when one compares the Czech Republic to other former Soviet Bloc countries in central Europe, such as Poland and Hungary (see EMCDDA, 2002).

Interestingly, the prevalence of illegal markets also varies within individual countries. In the United States, for example, methamphetamine use has for many years been fairly widespread in the western states while being largely absent on the East Coast (Gonzales, Mooney, & Rawson, 2010, p. 388; Goode, 2005, p. 151). Similarly, the cigarette black market in—for example, England, Germany, and Poland—has been concentrated in certain parts of these countries (Calderoni, Favarin, Ingrassi, & Smit, 2013, p. 64; Ciecierski, 2007; von Lampe, 2005a, 2006a).

Variations in the consumption of illegal goods and services—namely, illicit drugs—can also be found by gender, age, social class, and ethnicity (EMCDDA, 2013; Smart, Adlaf, & Walsh, 1994; UNODC, 2014a, pp. 2–3; U.S. Department of Health and Human Services, 2014). In some cases, consumption is concentrated in particular subcultures. For example, the spread of cannabis in Europe has been closely connected to the “middle-class counter-cultures” of the 1960s and 1970s (Sandberg, 2012, p. 1145), and the spread of ecstasy in the 1980s and 1990s has been closely connected to the dance and techno-music scene (Antonopoulos, Papanicolaou, & Simpson, 2010; Gruppo Abele, 2003).

Finally, illegal markets change over time. A common pattern is that an illegal commodity gains popularity, marked by rapid increase in consumption, followed by a decline in use after a few years (EMCDDA, 2013; Goode, 2005). In the United States, for example, cocaine has gone through several fashion cycles. It was largely absent from the drug market in the wake of its criminalization by the Harrison Act of 1914 up until the mid-1960s. Through the early 1980s, cocaine use increased sharply. In the mid- to late-1980s, cocaine use decreased and, after a new increase during the 1990s, appears to have been in decline again since the

early 2000s (Goode, 2005, p. 101; UNODC, 2014a, p. 35). In contrast, the prevalence of methamphetamine has substantially increased since the 1980s and 1990s (Shukla, Crump, & Chrisco, 2012).

The Relative Importance of Illegal Supply and Demand

The demand for illegal goods and services is a poorly understood phenomenon. Writing about drug use, Goode (2005, p. 54) notes that there is “an almost bewildering array of theories.” Yet, the issue is even more complex. Some argue that supply rather than demand is the driving force behind the creation of illegal markets. So the bigger question is twofold: (a) what creates demand for illegal goods and services? And (b) are illegal markets shaped more by the demand for or more by the supply of illegal goods and services? The question of the relative importance of supply and demand for the shaping of illegal markets is not purely academic. There are obvious policy implications (Rydell & Everingham, 1994). Should resources primarily be deployed to tackle the production and smuggling of illicit goods (supply side)? Or instead, should resources be used to reduce the urge and willingness of consumers to buy illicit goods (demand side)? The question of the relative importance of supply and demand, therefore, deserves closer inspection, although a definitive answer cannot be given (Besozzi, 2001; Fuentes & Kelly, 1999).

Pat O'Malley and Stephen Mugford (1991), writing about drug use, have identified four *discourses* dealing with the consumption of illegal goods and services. This classification, which is still valid today, can help in better understanding the different views on why illegal markets exist and how they fit into society. O'Malley and Mugford (1991, p. 50) distinguish “discourses of pathology, profit, the state, and pleasure.” These discourses point to various macro- and micro-level factors on the supply and demand side (Table 9.1).

Table 9.1 Factors Influencing the Emergence of Illegal Markets

	Factors		Examples
Macro Level	Political Decisions		Prohibitions defining certain goods and services as illegal
	Pathologies	Social Deficiencies	Poverty creating a demand for cheap illegal goods
Individual Deficiencies		Genetic factors increasing the intoxicating and addictive effect of drugs	
Micro Level	Individual Choices	Pleasure	Hedonistic lifestyle leading to recreational drug use
		Cost-Benefit Calculations	Cost savings from using illegal labor
		Power and Security	Illegal debt collection by criminal group
	Supply		Offering novel drug to potential consumers

Source: Integration of classifications from Besozzi (2001) and O'Malley and Mugford (1991).

Individual and Social Deficiencies as Drivers of Illegal Markets

The *pathology discourse* suggests that the use of illegal goods and services results from individual or social deficiencies. In other words, illegal markets are believed to be demand driven. Demand, in turn, is assumed to exist because there is something wrong with people or with society as a whole. A large body of academic literature falls into this category.

There is extensive research linking the demand for illegal goods and services, such as drugs, gambling, and prostitution, to a host of biological and psychiatric disorders. For example, biological and in particular genetic factors can account for variations in the intoxicating and addictive effects of illegal drugs on the individual. Biological predispositions toward compulsive behavior and addiction may also play a role with regard to illegal gambling (Ibáñez, Blanco, Perez de Castro, Fernandez-Piqueras, & Sáiz-Ruiz, 2003) and possibly illegal prostitution (Kafka, 2010). Psychiatric disorders such as schizophrenia, depression, and attention-deficit-hyperactivity disorder have likewise been linked to illicit demand, namely, for illegal drugs (Cami & Farre, 2003). And neurodevelopmental disorders, including head injuries in early childhood, have been discussed as potential causes of pedophilia. By extension, these factors may account in part for a demand for child pornography and child prostitutes (Seto, 2008, pp. 173–175). Other research has associated the demand for illegal goods and services with social problems, such as poverty and racial discrimination (Hunte & Barry, 2012; Shaw, Egan, & Gillespie, 2007). The very same problems may also account for the supply side of illegal markets, for example, in the case of child trafficking when parents sell their children out of financial despair (Shen, Antonopoulos, & Papanicolaou, 2013, pp. 34–35).

Supply-Driven Illegal Markets

The *profit discourse* focuses on the role of supply and on the profitability of illegal markets. Similar to the pathology discourse, demand for illegal goods and services is not seen as resulting from autonomous decisions of consumers, nor, however, is it linked to individual circumstances. Instead, demand appears as something that is purposefully created by aggressive entrepreneurs who exploit human weaknesses. For example, drug use is seen as the result of ruthless dealers enticing weak-minded consumers to use drugs. This view is reflected in drug policies that focus on supply-side interventions in the form of crop eradication, increased border controls, and aggressive policing against drug dealers.

Research findings on the importance of supply are mixed (MacCoun & Reuter, 2001, p. 77), while anecdotal evidence suggests that at least in some instances supply creates demand. The case of the Larry Lavin enterprise presented in Chapter 6, for example, is noteworthy in this context, because the shift from selling marijuana to selling cocaine was brought about by suppliers urging Lavin to introduce his customers to this drug (Bowden, 2001, pp. 56–57; Saline, 1989, p. 60). One dealer told Lavin, “You know how it works, Larry. If you start selling it, they’ll start buying it” (Bowden, 2001, p. 65).

Another example for supply-side factors accounting for the emergence of an illegal market is provided by the case of methamphetamine in the Czech Republic. Until the 1970s, drug abuse in Czechoslovakia was largely confined

time, corporate and other elite offenders are less likely to be investigated and apprehended. And if they are brought to justice, sanctions tend to be less severe. In fact, it may be the case that fines are set so low that corporate crimes remain profitable even if they are detected (Coleman, 2002).

The financial harm caused by corporate crimes as well as the profits they produce can easily go into the billions of dollars (Tillman, 2009), and the physical harm caused by corporate environmental crimes and the organized violation of work-place and product safety standards may well dwarf the violence attributable to criminal gangs (Coleman, 2002; Tombs, 2007).

Contrary to the higher social costs of corporate crime, offenders appear to be more immune from law enforcement, and that is for various reasons. Corporate criminals, to begin with, simply do not fit the gangster stereotype. Police are less likely to keep potential corporate criminals under surveillance and less likely to use tools such as wiretaps, informants, and undercover agents in investigations of corporate crime. In the United States and presumably in many other countries, traditional investigative strategies and tools routinely applied in cases of lower-class organized crime have only fairly recently and cautiously been introduced to corporate crime investigations (Miller, 2013; Sheppard & Dougherty, 2012). Corporate crime also tends to be more complex and sophisticated and therefore more difficult and more time consuming for the government to pursue than typical organized crimes, such as drug trafficking (Coleman, 2002). The result is that corporate crime tends to be exposed in scandals rather than through continuous, systematic, proactive police work, which characterizes the control of criminal subcultures in lower-class and migrant communities (see Chapter 14). The exceptions are countries where normal entrepreneurial activity is criminalized. This is true for political systems with a state-planned economy instead of a free-market economy, for example, North Korea under the Kim regime or the Soviet Union. In these cases, a broad range of police tactics and tools are employed against economic crime under the banner of fighting "capitalist profiteering" and "speculation" (Lankov, 2009; Ledeneva, 1998).

THE SOCIAL EMBEDDEDNESS OF ORGANIZED CRIME: SUMMARY AND CONCLUSION

Organized crime is not something that exists in a social vacuum. Organized criminals, organized criminal activities, and organized criminal structures are in many ways linked up with and embedded in society. The social embeddedness of organized crime is commonly discussed with respect to two central themes: the provision of illegal goods and services to a demanding public and the rooting of organized criminals and criminal groups in marginalized segments of society. The main purpose of this chapter was to examine these two themes in detail and to highlight some complexities. These complexities call into question simplistic explanations of the relationship between organized crime and society.

When one equates organized crime with the provision of illegal goods and services, an obvious link to society exists: Organized crime and society are connected through voluntary transactions between suppliers and customers. In this respect, organized crime exists because it fulfills a function in society by addressing needs that are not met otherwise.

Some organized criminal activities, however, do not fit this mold. Predatory crimes, such as theft and fraud, are based on victimization rather than voluntary transactions. Only in a broader context can some predatory crimes be linked to illegal markets and a public demand. For example, there is a market for stolen goods sold at prices below those on the legal market.

It is also problematic to put so much emphasis on the provision of illegal goods and services without taking into account that illegal markets vary greatly across space and time. Substantial differences exist with regard to the types of illegal goods and services and with regard to the scale at which they are supplied. Accordingly, the social embeddedness of organized crime in terms of the provision of illegal goods and services can be quite limited in some instances and quite extensive in others.

In order to understand the prevalence of illegal markets, one needs to consider a broad range of factors. Illegal markets, just like all other markets, are the product of a convergence of supply and demand. However, there are no generally applicable explanations for the existence of supply and demand and for how the two come together. The emergence of illegal markets can be influenced by demand-side as well as supply-side factors and, inevitably, it is determined by political decisions to prohibit certain goods and services.

The demand for illegal goods and services is explained by "an almost bewildering array of theories" (Goode, 2005, p. 54). These include individual deficiencies, social conditions, pleasure seeking, cost-and-benefit calculations, and the need for security. It is a matter of controversy how far demand-side factors go in explaining illegal markets. Some argue that illegal markets exist because criminals respond to an existing demand. There are, however, also indications that supply may create demand. The extent of illegal markets also depends on where political decisions have drawn the line between legal and illegal goods and services. The weaker the legitimacy of prohibitions, the more embedded in society illegal markets will be.

The consumption of illegal goods and services may vary across a host of social categories, including age, gender, ethnicity, and socioeconomic status. Likewise, organized criminals and organized criminal structures may be rooted in particular segments of society. Typically, a connection is made between organized crime and immigrant and lower-class communities. However, by the same token organized crime can also be rooted in higher social strata. Criminal networks may develop out of social networks formed, for example, in ghetto neighborhoods or in business communities. In both cases, underlying social relations are important for providing a common basis of trust. The bonds between offenders as well as their motivation to commit crimes may be strengthened by criminogenic subcultures. Both in marginalized neighborhoods and in higher social strata, namely, in a corporate environment, subcultural norms and values may foster defiance of the law, although the specific justifications for illegal behavior may differ. Secluded subcultures, whether in the lower or upper classes, may also create protective mechanisms against law enforcement. In the case of marginalized communities, shared mistrust of authorities and cultural and language barriers may hamper the work of the police. In the case of elite-based subcultures, law enforcement tends to be sporadic rather than routine and tends to be hampered by a lack of resources to investigate what are usually rather complex criminal endeavors.

This chapter could examine the social embeddedness of organized crime only in fairly general terms. A more in-depth look will be taken in the following chapters, with a view to the link between organized crime and legal business and between organized crime and government.

Discussion Questions

1. What level of organized criminal activities in society is tolerable?
2. Is the provision of illegal goods and services victimless crime?
3. Are organized crimes more dangerous than “un-organized” crimes?
4. What are the similarities and differences between criminal subcultures embedded in lower classes and in upper classes?
5. Assume that smoking is made illegal in all countries, similar to cocaine or heroin. Will there be a black market? What would this black market look like in terms of suppliers, customers, and product?

Research Projects

1. Find out what illegal market is most prevalent in your area.
2. Pick a country for which data are available and investigate the development of the illegal market for cannabis (or cocaine or heroin or methamphetamine) over a period of several decades. Try to come up with explanations for any changes in trend that are discernible.
3. Examine a case of corporate crime with a view to whether offenders were influenced by a criminogenic subculture.

Further Reading

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CHAPTER 10



Organized Crime and Legitimate Business

INTRODUCTION

This chapter examines the relationship between organized crime and legitimate business. The theme has already been touched upon in the previous chapter (Chapter 9), mainly with regard to corporate crime and criminogenic corporate subcultures. Corporate crime, however, is seldom mentioned in the debate on the link between organized crime and legitimate business. Rather than high-status criminals at the helm of corporations, the focus typically is on criminals from the margins of society who in one way or the other come to influence the legal economy from the outside. The discussion in this chapter will follow these more conventional conceptions of organized criminal involvement in the legal economy, without ignoring the limitations of such a narrow view.

Criminal involvement means more than simply benefiting from the legal economy. Of course, criminals are consumers of legal goods and service for their personal use and also for criminal purposes. For example, criminals use mobile phones to communicate, and they draw on hauling companies and parcel services to move drugs and other contraband. Of interest here is a higher level of involvement, one where criminals gain an influence over legal businesses and legal markets beyond the power they possess as consumers.

CONCEPTUALIZATIONS OF ORGANIZED CRIME AND LEGITIMATE BUSINESS ALONG THE DIMENSIONS OF ACTIVITIES, STRUCTURES, AND GOVERNANCE

The relationship between organized crime and legitimate business has been discussed in the academic literature from mainly two angles. One perspective is to examine similarities and differences between legal and illegal businesses on an analytical level (see, e.g., Levi & Naylor, 2000; Smith, 1975, pp. 335–347). Another perspective, focusing on the empirical level, is to explore the role of specific criminal organizations and their members in the legal economy

(see, e.g., Anderson, 1979; Edelhertz & Overcast, 1993; Hill, 2003). The range of possibilities for addressing the relationship between organized crime and legitimate business, however, is much broader. In a comprehensive analysis one needs to consider the three basic dimensions of organized crime: activities, structures, and governance.

Organized Criminal Activities in Legitimate Business

When one equates organized crime with certain forms of illegal *activities*, the link between organized crime and legitimate business can be framed in terms of organized illegal business practices. The pervasiveness of such practices would determine the level of organized crime within the legal economy irrespective of the identity of the perpetrators. Those engaging in these illegal practices may be underworld figures who have moved into the realm of legal business, or the perpetrators may be outwardly legitimate businesspeople with no connection to the underworld. Businesses with no link whatsoever to stereotypical gangsters may, for example, use illegal labor, sell illegal goods, and systematically violate safety standards and evade taxes. At times both types of perpetrators may act independently, at times they may collude, and sometimes they may learn from each other (Ruggiero, 1996, p. 154).

Organized Criminal Structures in Legitimate Business

When one equates organized crime not with illegal activities but with illegal *structures*, then the focus is on criminal organizations, understood in a broad sense, that operate within the legal economy. Networks of corporate criminals that are rooted in the legal economy have already been mentioned (Chapter 9). The main emphasis in the organized-crime literature, in contrast, is on criminal organizations that cross the line from the underworld into the upperworld.

It is somewhat misleading in this context, however, to narrowly focus attention on criminal organizations in the sense of purposefully acting entities. Criminal organizations in the narrow sense of the word, be they illegal enterprises or criminal associations or illegal governance structures, will rarely be found to acquire and run legal businesses. First of all, in a legalistic sense it is not possible for an illegal organization to obtain an interest in or ownership of a legitimate business. Straw persons would have to be used by a criminal organization to acquire and operate a business on its behalf. Secondly, in discussions of the infiltration of the legal economy by crime syndicates, mafias or drug cartels, what is referred to, arguably, are in most cases individual criminals, the members and associates of organized criminal groups rather than the criminal groups themselves, who invest in and operate legal businesses (Edelhertz & Overcast, 1993, p. 63; see also Cressey, 1967a, p. 25).

Individual criminals may draw on the resources of the criminal organizations they belong to. For example, they may use funds generated by an illegal enterprise, and they may profit from the violent reputation of a mafia organization.

Yet it seems that they are commonly making their own independent decisions to pursue their own interests (Edelhertz & Overcast, 1993, p. 69).

There are two exceptions to this rule, one pertaining to illegal enterprises, the other to extortion gangs and quasi-governmental structures. The involvement in the legal economy can appropriately be framed as that of criminal organizations rather than of individual criminals, where the formation and operation of a legitimate business is an integral part of a crime scheme. For example, a drug trafficking group (= illegal enterprise) that uses overseas containers to transport drugs may set up businesses in different countries so that these businesses can show up on the freight papers as the official senders and receivers of shipments. Likewise, in the case of extortion and illegal governance (see below) it may be more appropriate to ascribe the influence on legitimate businesses to criminal groups instead of individual members of these groups. This is true at least where the collection of protection payments and other activities are closely coordinated by a criminal group.

Matters are far less clear in the much more common cases of investments in legal businesses and business activities in the legal economy made by individual organized criminals. It is not a given that their involvement automatically poses a threat to the integrity and functioning of the legal economy.

Illegal Governance in Legitimate Business

When one equates organized crime with illegal *governance*, then the focus of the debate on the link between organized crime and legitimate business is on the regulation of legal business activities by criminals. Just like criminal groups may perform quasi-governmental functions with regard to criminal milieus and illegal markets, they may also come to control segments of the legal economy. Control typically comes in one of three forms: extortion, protection, and cartel organization. In the case of extortion, businesses are forced to make “protection” payments to criminals while obtaining little or nothing in return, except perhaps protection from other extortionists. The targets of extortion can be individual businesses, businesses in a particular geographical area, businesses owned and operated by members of a particular ethnic group, or businesses of a particular type—for example, restaurants. The same is true where criminal control goes beyond extortion and criminals actually provide some level of protection to legal businesses—for example, against predatory criminals, competitors, delinquent debtors, recalcitrant workers, trade unions, or against government interference (Hill, 2003; Partridge, 2012; Volkov, 2000, 2002). The third form of criminal control over legitimate businesses involves the creation and management of cartels in particular legal markets. In these cases, criminal influence is aimed at suppressing market forces (Reuter, 1985, 1993). It should be noted, however, that typically cartels in the legal economy are established without the involvement of underworld elements. In any case, illegal governance in the legal economy can be observed at different levels: on the level of individual businesses, on the level of business communities defined by territory or ethnicity, and on the level of specific legal markets.

ORGANIZED CRIMINALS AND LEGITIMATE BUSINESS

From the foregoing discussion it should be clear that it depends very much on the perspective one adopts what the nature of the relationship between organized crime and legitimate business is. Organized crime in terms of illegal business conduct, corporate criminal networks, and business cartels is very much a facet and integral part of the legal economy. At the same time, the link between organized crime and the legal economy can also be construed as the contact between two separate spheres: underworld and upperworld. According to simplistic views, it does not matter much how exactly this contact manifests itself. Wherever contact is made, legal business is assumed to be tainted and prone to fall under complete criminal control. The reality is arguably much more complex.

There are variations in the criminal influence over the legal economy in at least two respects. First, the degree of involvement of organized criminals in legitimate businesses varies greatly, from marginal interaction to complete ownership control. Second, there are variations in the degree to which the integrity of the legal economy is compromised. In some cases, the presence of organized criminals has no direct impact. In other cases, the consequences can go as far as severely disrupting the functioning of legitimate businesses and of entire legal markets.

Variations in the Degree of Involvement of Organized Criminals in Legitimate Businesses

The simplest and most widespread form of criminal involvement in the legal economy is probably at the level of individual businesses. The implications of this involvement are not always the same. Much depends on the nature of the various roles that mafiosi, outlaw bikers, drug traffickers, and the like are playing.

Provision of Illegal Goods and Services to Legitimate Businesses

At one end of the spectrum (Figure 10.1), organized criminals and legal businesses enter into contractual relations. The criminals are merely providers of illegal goods and services to legitimate businesses. The effect in many cases is that legitimate businesses are able to cut costs. For example, construction firms may hire illegal laborers at low wages through illegal labor brokerages, or factories may dispose of hazardous waste cheaply with the help of criminals, or a store may stock up its inventory with stolen goods.

Criminals may also offer solutions to problems not directly linked to high costs. For example, criminal gangs may be hired to intimidate workers or to provide protection against predatory criminals, or smugglers may be employed to circumvent trade restrictions (see, e.g., Lee & Collin, 2006). In all of these cases criminals and businesspeople theoretically meet as independent partners in illegal market transactions.

where actors from both sides meet on common grounds. As Petrus van Duyne (1996, p. 371) has argued, there are actors in the underworld as well as in the upperworld who share two important traits that facilitate collusion: "lack of morals and an insatiable greed."

The receptiveness of legitimate businesses for organized crime involvement does not mean that the nature of the relationship and the balance of power remain the same over time. The relationship may shift—for example, from collusion to the predatory exploitation of businesses by organized criminals (Hill, 2003, p. 190). But the development may also go in the opposite direction. Vadim Volkov (2000), writing about the link between crime and business in Russia in the post-Communist transition period of the 1990s, describes a three-stage process of increasing integration of criminal and business structures. In the first stage, criminals provide protection in exchange for payments. In the second stage, criminals invest in the businesses they protect and become business partners. In the third stage, finally, criminals take over full control of a business. Volkov does not interpret this process as a criminalization of business. Instead, he sees criminals increasingly forced to adapt to the logic of the market and to the principles of business administration. This means they are forced to realize that the benefits of using violence in the legal economy are limited in the long run (Volkov, 2000, p. 54).

ORGANIZED CRIME AND LEGITIMATE BUSINESS: SUMMARY AND CONCLUSION

This chapter has examined the relationship between organized crime and legitimate business from a variety of angles. The main focus has been on the myriad ways in which the underworld can be involved in the legal economy. If only one conclusion can be drawn from this examination, it is that the presence of organized criminals in the legal economy does not follow a simple pattern. The nature and extent of criminal involvement in legitimate businesses varies, as do the implications of this involvement.

Some basic constellations can be distinguished with regard to the level at which criminal influence occurs: individual businesses, territories, and markets (Table 10.2). Criminal influence arguably occurs most often on the level of individual businesses. Legitimate businesses can be the target or the tool of illegal activities, and they may be a vehicle for securing or establishing a position in legitimate society for criminals and their dependents. The societal consequences in each separate case will tend to be rather limited. In some instances, where the objective of criminals is to secure assets and to transfer them to dependents in the event of incarceration or death, the acquisition and operation of legitimate businesses may well be kept within the limits of the law. In these cases, the criminal background of the owner would be the only link between the legitimate business and crime, provided no illicit proceeds were used in acquiring or establishing the business. In contrast, the most far-reaching impact can be expected where criminal involvement in an individual legitimate business leads to a distortion of competition. This is the case namely when the business is subsidized by crime money and when illegal means are employed against competitors and customers.

Individual businesses, it seems, tend to be affected by criminal influence in an opportunistic and sporadic fashion. But criminal influence can also be exerted systematically. Legitimate businesses in a particular territory or in a particular market may become the targets of organized criminals. The systematic influence on legitimate businesses within a territory is linked to the existence of criminal groups that claim control over a geographical area such as an inner-city neighborhood. The influence may be purely predatory. In the case of true protection, however, the criminal influence has broader ramifications. For example, protection may include protection against rival businesses, which, in turn, means that criminal influence leads to a limitation or distortion of competition in a legal market.

The most profound criminal influence on the legal economy exists in the case of labor and business racketeering, where criminals gain control over entire legal markets and business sectors. The typical scenario is that criminals use their power to organize cartels, thereby eliminating competition, and to engage in a variety of other illegal schemes at the expense of businesses, customers, and the general public.

According to conventional wisdom, the influence of organized crime over the legal economy is one-dimensional and goes in the direction of increasing criminal control. Arguably, the endpoint of this process is reached when criminals control individual businesses and at the same time manipulate markets in their favor through corrupt unions and business associations. The U.S. experience with labor racketeering and business racketeering shows that this is a real threat and that criminal involvement in the legal economy can have dramatic consequences. The same experience also shows, however, that this process is not inevitable and can be reversed. Racketeering was widespread only in certain business sectors and has been in decline since the 1980s, mainly as a result of rigorous enforcement efforts (see Chapter 14). There is also something else that this and other historical examples suggest. The dispositions of legitimate businesses

Table 10.2 Forms and Consequences of Criminal Involvement in the Legal Economy

Level of Involvement	Type of Involvement	Consequence
Individual Business	Noncriminal	Respectable social status in legitimate society
	Use of crime in furtherance of legitimate business	Distortion of competition
	Use of legitimate business in furtherance of crime	Facilitation of crime
Businesses in a Particular Territory	Extortion	Predatory exploitation
	Regulation of business activities	Distortion of competition (to the advantage of protected businesses)
Businesses in a Particular Legal Market	Racketeering	Cartel building (elimination of competition)

toward unethical and illegal practices have a major impact on whether or not organized criminals can establish a presence in the legal economy at all and what the nature and extent of this presence is. Even where criminals have great financial resources and the means and willingness to use violence, their ability to gain positions of power within the legal economy appears to be limited, unless there is some connivance on the part of legitimate businesses.

Discussion Questions

1. What is the primary motive for organized criminals to obtain control over a legitimate business?
2. What is the lesser evil: organized corporate crime or the infiltration of the legal economy by members of the underworld?
3. What is the worst-case scenario for the future development of criminal involvement in legitimate businesses?
4. What role does (or could) the threat and use of violence play in the legal economy?
5. What sectors of the economy in the digital age are prone to racketeering?

Research Projects

1. Analyze the autobiography of an organized criminal, with a view to the involvement in legitimate business.
2. Analyze a case of organized corporate crime and discuss what would have been different if underworld figures had been involved.
3. Find a well-documented case of money laundering and examine the use of legitimate businesses in the scheme.

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CHAPTER 11



Organized Crime and Government

INTRODUCTION

The previous two chapters have examined the relationship between organized crime and society and specifically the relationship between organized crime and legitimate business. This chapter concludes the survey of the broader context of organized crime within society, with an examination of the relationship between organized crime and government. Government is understood here in a broad sense to encompass not only the executive branch but also the legislature and the judiciary, and it is meant to encompass not only national governments but governments on all levels, from village and town councils all the way to supranational structures, such as the European Union. Of interest is the state as an institution capable of purposeful action as well as the individuals and groups who hold positions within the state apparatus.

In the academic literature, the relationship between organized crime and government has been discussed from mainly two perspectives. One perspective is to highlight the functional similarities between criminal organizations and the state and to draw parallels between the historical process of state formation and the emergence of illegal governance (e.g., Skaperdas & Syropoulos, 1995; Tilly, 1985). Another perspective, characteristic of most of the public and academic debate, is centered on what has been called the *political-criminal nexus*, the link between “the legal, governmental and political establishment” and “the criminal underworld” (Godson, 2003b, p. 3). The typical scenario is that criminal organizations, such as the Sicilian Mafia or the Colombian and Mexican drug cartels, use bribes and intimidation to impose their will on public officials. The Cali Cartel in Colombia, for example, reportedly had a large percentage of the police and military on its payroll so that it could traffic drugs with impunity (Rempel, 2012, p. 111). But this extreme case of a powerful criminal organization influencing and undermining the state apparatus is just one of many possible constellations. The problem is much more complex. To begin with, one could argue that without the state, without criminal law enacted and

enforced by government, there could be no organized crime (see O'Malley & Mugford, 1991; Chapter 9). Criminal law defines the kinds of behavior the state seeks to suppress. This implies an antagonistic, confrontational relationship between government and crime, and by extension, between government and organized *crimes*. At the same time, no government has ever been able to completely suppress the behavior that is defined as criminal, neither individual wrongdoing nor collective, organized law breaking in the form of, for example, gang crime or illegal markets. There is, therefore, always a more or less coherent sphere within society that is centered on criminal activities. This sphere of illegality is created and defined by criminal law.

The fundamental relationship between government and crime or organized crime is therefore contradictory. On the one hand, government is constitutive to the existence of organized crime in that it creates a sphere of illegality. On the other hand, government creates the main constraints for organized crime to develop. Government, through the enforcement of the law, bears the brunt of the burden of disrupting and suppressing organized criminal conduct, namely, by arresting and punishing offenders and by seizing the tools, products, and proceeds of illegal activities (see Chapter 14).

CONCEPTUALIZATIONS OF ORGANIZED CRIME AND GOVERNMENT: ACTIVITIES, STRUCTURES, AND GOVERNANCE

In order to understand the complexity of the links between underworld and upperworld in the sphere of government, it is important, once again, to consider the three basic dimensions of organized crime: activities, structures, and governance. Just like the relationship between organized crime and legitimate business does not only fit one mold, the relationship between organized crime and government takes on many different forms depending on how organized crime is conceptualized and depending on the specific circumstances.

Organized Criminal Activities and Government

The link between organized crime and government mirrors to some extent the relationship between organized crime and legitimate business. When one equates organized crime with illegal *activities*, it is the nature and prevalence of organized crimes that define the relationship. Who the organized *criminals* are, in contrast, is only of secondary importance from this perspective. There can be a host of illegal activities of an organized nature in the sphere of government without the involvement of stereotypical criminal organizations and underworld figures. Organized criminal conduct may be directed *against* government, it may take place *within* government, or organized criminal conduct may be carried out *by* government. There are numerous organized crimes involving the state, such as subsidy fraud or the selling of surplus military equipment in violation of arms embargos, where there is a great likelihood that these crimes are instigated and carried out by offenders rooted in the upperworld. The major players may be legitimate businesses and banks, public officials, government agencies, or the government as such (Arsovska & Kostakos, 2008; Passas & Nelken, 1993).

Organized Criminal Structures and Government

When one equates organized crime not with illegal activities but with illegal *structures*, then the focus is on how criminals and their organizations, understood in a broad sense, relate to government. Arguably, this is the main perspective from which the relationship between organized crime and government is discussed in public and academic discourse. At the center of attention are attempts by criminal organizations to influence government in an effort to reduce the risk of arrest and punishment. The question is if organized criminals also pursue other and more far-reaching goals. Ultimately, the question is whether organized criminals have a political agenda. Commonly, the lack of political goals is seen as a defining characteristic of organized crime that distinguishes it from ideologically and religiously motivated terrorist and insurgent groups (e.g., Abadinsky, 2013, p. 3). It is widely assumed that organized criminals do not seek to change the political order but simply wish "to be left alone and to carry on their crime-trade without interference" (Van Duyne, 1997, p. 213). On the other hand, many criminal organizations such as the Sicilian Mafia and Japanese yakuza groups have demonstrated an affinity to political groups, often, it seems, to those on the right and far right of the political spectrum (Hill, 2003; Paoli, 2003a; Schulte-Bockholt, 2001). Some also argue that there is a nexus between terrorism and organized crime. The claim is that terrorist groups have either assumed characteristics of criminal groups and engage in organized criminal activities or that terrorist groups have established collaborative relations with criminal groups (Makarenko, 2004; Mincheva & Gurr, 2010; Shelley, 2014).

Criminal structures that are separate from and in conflict with government are not the only phenomena being discussed in the debate on the relationship between organized crime and government. Some attention has also been paid to criminal structures that to different degrees are interwoven with and integrated into governmental structures. There are criminal structures that connect members of the underworld with state officials. The Sicilian Mafia, for example, historically has had a number of politicians within its ranks (Arlacchi, 1993; Paoli, 2003a). In other cases, criminals have attained formal positions within government through appointments and elections (Bezlov & Gounev, 2012, p. 99; Kupatadze, 2008, p. 289). A famous case is the election of Pablo Escobar, the leader of the so-called Medellin Cartel, to the Colombian parliament (Clawson & Lee, 1996, p. 48). Some criminal groups enter into alliances with power elites and the government—for example, to suppress opposition movements (Schulte-Bockholt, 2001). In other cases, criminals are believed to have a dominating influence on state institutions in a scenario that is called "state capture," where criminal groups are in a position to shape state policy in their own interest through illicit and non-transparent methods (Hellman & Schankerman, 2000, p. 546; Cornell, 2006, p. 39; Kupatadze, 2009, p. 152). Finally, some criminal structures exist within government without the involvement of underworld figures. For example, it is a rather frequently occurring pattern that groups of police officers extort criminals and legal businesses, deal in confiscated drugs, or engage in systematic theft (Bezlov & Gounev, 2012; Prenzler, 2009). In extreme cases the state apparatus or major elements of the state apparatus function as criminal organizations. These cases, where

crimes are “committed by state officials in the pursuit of their job as representatives of the state,” fall under the category of “state-organized crime” (Chambliss, 1989, p. 184).

Organized Crime and Governance

When one equates organized crime not with illegal activities or illegal structures but with illegal *governance*, then the focus is primarily on criminals playing a quasi-governmental role in place of legitimate government. Illegal governance challenges the claim of the state to “the monopoly of the legitimate use of physical force” (Weber, 1968, p. 54) within a given territory. Illegal governance, as elaborated in Chapter 8, emerges in spheres of society that the state is unwilling or unable to regulate. Criminals may fill this vacuum, for example, by providing protection, by enforcing rules, by arbitrating disputes, and in turn, by taxing licit and illicit businesses (see, e.g., Mannozi, 2013; Wang, 2011). In this respect, the relationship between organized crime and legitimate government is one of mutual exclusion. The exercise of power by quasi-governmental criminal structures only works where the state does not exercise its power effectively. However, there have also been cases where underworld figures and government officials have jointly exercised power—for example, in the control over illegal markets (e.g., Chambliss, 1978). Finally, there are instances where criminals do not replace government but where government replaces criminals in the regulation of illegal activities. This means that in some instances, government officials have exercised control over illegal markets and, ironically, have functioned as a sort of underworld government (e.g., Albin, 1971, p. 74).

THE RELATIONSHIP BETWEEN ORGANIZED CRIME AND GOVERNMENT AS TWO SEPARATE ENTITIES

When one takes organized crime and government to constitute two separate entities, then the relationship can take on three ideal-typical forms: evasion, corruption, and confrontation (Bailey & Taylor, 2009; Table 11.1). Each of these types of relationships represents a particular strategy that criminals may pursue. Sometimes different strategies are pursued at the same time. *Evasion* means that criminals operate clandestinely in order to avoid detection by the authorities. *Corruption* means exerting illegal influence on government officials in furtherance of criminal interests. *Confrontation*, finally, means that criminals challenge the state as such, that they seek to force government into submission, by “directly targeting multiple symbols of state power” (Bailey & Taylor, 2009, p. 11).

Evasion as an Alternative to Corruption and Confrontation

According to a widely held view, organized crime is inherently connected to the corruption of public officials. The underlying rationale for making this

Table 11.1 Strategies Employed by Criminal Groups Vis-à-Vis the State

Strategies	Objectives	Forms of Criminal Conduct
Evasion	Criminals seek to avoid detection by government	Clandestine mode of operation
		Self-restriction to illegal activities with low law-enforcement priority
Corruption	Criminals seek Protection Logistical support	Bribery
		Intimidation
		Use of social network ties
Confrontation	Criminals seek to force the government into submission	Violence targeting law enforcement
		Violence targeting political figures
		Indiscriminate terror attacks

Source: Further elaboration of a typology proposed by Bailey & Taylor (2009).

connection is twofold. One assumption is that organized criminal activities by their very nature would not be possible without corruption. Activities such as illegal gambling and illegal prostitution, it is argued, are carried out on a regular basis and are highly visible and therefore would be easy targets for the police were it not for organized criminals neutralizing law enforcement through corruption (e.g., Hughes & Denisova, 2001, p. 57). The other assumption is that organized criminals have the necessary resources readily available to influence government in their favor. Organized criminals, it is assumed, generate sufficient illegal profits to easily bribe public officials, and where this is not successful, the threat and use of violence gives organized criminals the necessary leverage. Many examples of criminal influence at all levels of government in developed as well as in developing countries appear to support these assumptions (e.g., Block & Chambliss, 1981; Cornell, 2006; Giannakopoulos, 2001; Gounev & Ruggiero, 2012; Kukhianidze, 2009; Kupadaze, 2009; Lauchs & Staines, 2012). Cross-national comparative research likewise suggests that there is a correlation between corruption and organized crime (Sung, 2004; Van Dijk, 2007). However, micro-level research shows that corruption is not always a precondition for carrying out criminal activities in an organized way. Complex, well-planned, well-coordinated criminal endeavors that are pursued over long periods of time are sometimes possible without the neutralization of law enforcement. Various reasons can account for the nonenforcement of the law. For example, the authorities may not have the necessary resources to intervene, they may be inefficiently organized and staff may be inadequately trained, there may be competing priorities for selecting law enforcement targets, or the authorities may feel that there is insufficient support for enforcing certain laws (Morris, 2013, p. 199). Thus, organized criminals do not always have to depend on influencing or directly confronting government in order to carry out their criminal activities unimpeded. Edelhertz and Overcast (1993, p. 18), for example, in their analysis of 165 federal organized crime investigations in the United States, found only nine cases with any indication of public corruption. Likewise, Van Duyn examined the police and court files of 44 organized crime

These crimes, of course, are far removed from the types of criminal activities ordinarily associated with the concept of organized crime, namely, the supply of illegal goods and services. However, there are also cases where governments have been implicated as the instigators and perpetrators of these kinds of more common organized crimes. Perhaps the most notorious example is North Korea under the leadership of Kim Jong-Il. Allegedly, the North Korean regime has been engaged in the production and international distribution of counterfeit currency, counterfeit cigarettes as well as heroin and methamphetamine (Chestnut Greitens, 2014; Kan, Bechtol, & Collins, 2010; Perl, 2007; Perl & Nanto, 2007). These activities are believed to be organized by a branch of the government structure, the so-called Central Committee Bureau 39 of the ruling Korean Workers' Party. It had been formed in 1974 "for the explicit purpose of running illegal activities to generate currency for the North Korean government" and had been under the supervision of Kim Jong-Il from the beginning, even before he succeeded his father Kim Il-sung as dictator in the year 1994 (Kan et al., 2010, p. 4).

It is important to emphasize that the North Korean case is different from most other cases of government involvement in organized crime. It is not a matter of the state sponsoring the activities of non-state actors. In the case of North Korea, illegal activities are believed to be directly carried out by the government itself, drawing on state resources and taking advantage of state sovereignty and diplomatic immunity (Kan et al., 2010, pp. 2–3).

THE RELATIONSHIP BETWEEN ORGANIZED CRIME AND GOVERNMENT: SUMMARY AND CONCLUSION

This chapter and the previous two chapters have examined how organized crime relates to the broader society within which it manifests itself. In Chapter 9 it was argued that organized crime does not exist in a social vacuum and that criminal activities and criminal structures are in many ways shaped by society. It was also argued in Chapter 9 that the relationship between organized crime and society does not lend itself to simplistic characterizations. Depending on the circumstances, the relationship varies greatly across a spectrum from confrontation to accommodation to integration. These themes were reiterated in Chapter 10 with regard to the relationship between organized crime and legitimate business and in this chapter with regard to the relationship between organized crime and government.

According to stereotypical imagery, organized crime is something that develops at the margins of society but has the power to undermine, infiltrate, and eventually to control, legitimate business, and the state.

This stereotype suggests that wherever organized criminal activities are carried out and criminal organizations exist, the government will be corrupted and law enforcement will be neutralized through bribes and intimidation. However, the reality of crime is more complicated. Evading the state rather than corrupting the state appears to be a viable option for many organized criminals. And where corrupt ties to government do exist, organized criminals are not necessarily the dominating part in the relationship. There are cases that at first glance resemble

the scenario of organized crime controlling government, but upon closer inspection it turns out that corrupt public officials control organized crime and extract protection payments from organized criminals.

Whether or not there is a link between organized crime and government and what the nature of this link is if it exists appears to depend on a number of factors, such as the conspicuousness or inconspicuousness of illegal activities and the relative cohesiveness of social and criminal elites. Where cohesive social elites meet a fragmented underworld, there is reason to believe that the balance of power will be in favor of corrupt public officials rather than the criminals who operate under their protection. Where powerful criminal organizations emerge, as in the case of the Cali Cartel, criminal influence on government can be pervasive and can lead to the neutralization of law enforcement. However, there appear to be clear limits to the ability even of the most powerful criminal organizations to sustain this influence over extended periods of time. From the cases that have been examined in this chapter, it seems that even relatively weak states, such as those that could be found in certain historical periods in countries like Colombia, Mexico, and Russia, can muster sufficient resources to prevail in the long run. This is particularly true where organized criminals have opted for an open confrontation with government. Campaigns of violence against the state can spread fear and can undermine the functioning of the government, but in the absence of a "revolutionary" agenda on the part of criminal organizations, government as such is not in jeopardy. Criminal organizations, even those that provide illegal governance, have neither the ambition nor the ability, it seems, to replace government. While the use of violence can be seen as an extension of corrupt influence on government, it appears to be a sign of weakness and irrationality and, historically, the use of violence against the state results in the fragmentation and destruction of criminal structures.

The highest forms of a penetration of government by organized crime are arguably those where criminal structures evolve within the realm of politics and where illegal activities are carried out under the sponsorship of or directly by government. State-sponsored organized crime, such as the drug trafficking in Mexico from the 1940s through the 1980s under the centralized control of a one-party system, or the state-organized crime ascribed to the Kim regime in North Korea are not crime problems as much as they are political problems.

Discussion Questions

1. What is the primary motive for organized criminals to influence government?
2. What is the primary motive for organized criminals to openly and violently confront the state?
3. What is the lesser evil: state-organized crime or the infiltration of government by the underworld?
4. What is the worst-case scenario for the future development of criminal involvement in government?
5. What is the worst-case scenario for the future development of violent confrontations between criminal organizations and the state?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to criminal influence taking on government.
2. Find media reports on incidents of the corruption of public officials by criminals in a particular country, and try to find out what kind of underlying social relationship, if any, existed between them.
3. Find media reports on incidents of criminal violence against public officials in a particular country, and try to find out what the underlying rationale for the use of violence has been.

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CHAPTER 12

Transnational Organized Crime

INTRODUCTION

The previous three chapters have examined how organized crime relates to the broader social context within individual countries, either on the national or on the local level. This chapter examines the international ramifications of organized crime and explores how illegal activities and criminal structures extend across borders. What is excluded from this analysis is the special case of maritime piracy, where criminals cross national maritime borders onto the high seas (Bueger, 2014; Twyman-Ghoshal & Pierce, 2014).

Since around the 1980s, the focus of the traditional debate on organized crime has shifted from a local and national to an international frame of reference, with an emphasis on what is commonly called *transnational organized crime* (von Lampe, 2001a, 2011c). After the end of the cold war, transnational organized crime even advanced to the status of a major security threat and partly replaced the perceived threat of military conflict (Edwards & Gill, 2002; Felsen & Kalaitzidis, 2005; Paoli & Fijnaut, 2004; Mitsilegas, 2003).

The concept of transnational organized crime, broadly speaking, refers to crime that somehow transcends national borders. It is framed in the context of globalization, where national borders have supposedly become less of an obstacle for offenders and "criminogenic asymmetries" (Passas, 1998) between rich and poor countries have become more virulent. Against this backdrop, different images and perceptions of transnational organized crime have emerged in public and academic discourse.

What is meant when people speak about transnational organized crime? Some rhetoric lets transnational organized crime appear as if it was something that existed in a quasi-metaphysical sphere with no roots in any particular location and touching ground only in the moment when a crime is committed. A more concrete notion is that mobile, rationally acting offenders operate on an international scale, searching for the most lucrative markets for illegal goods and services and the most suitable targets for predatory crime and taking advantage

of cross-border mobility to evade prosecution (Mittelman and Johnston, 1999). Another widely held view associates transnational organized crime with the discrepancies between East and West and North and South. Developing countries and countries in transition with a weak or corrupt law enforcement system are believed to serve as safe havens for internationally operating offenders (Shelley, 1999a; Wagley, 2006; Williams, 1999a). Yet another image of transnational organized crime is that of locally based offenders establishing transnational links to other offenders (Hobbs & Dunnighan, 1998; Hobbs, 1998). In this view, not the transnational movement of criminals but the cross-border networking and cooperation between locally based criminals is the main feature of transnational organized crime (see also Adamoli, Di Nicola, & Savona, 1998; Castells, quoted in Sheptycki, 2003). In many ways, the concept of transnational organized crime simply adds the notion of transnationality to fuzzy and ambiguous conceptions of organized crime (Van Duyne & Nelemans, 2012).

Some of the conceptual confusion can be overcome by once again organizing the discussion along the three basic dimensions of organized crime: activities, structures, and illegal governance. Accordingly, *transnational* organized crime can be conceptualized in terms of the following three categories:

- *Illegal activities* that cross international borders
- *Criminal organizations* that are either transnationally mobile—or have a presence in more than one country
- *Illegal governance* that extends across international borders

Although empirically these three categories may overlap, in the interest of clarity it is important to examine each category separately. It is also important to start with an examination of transnational criminal activities, because without an understanding of the patterns of transnational crimes it is difficult to understand the organization of transnational criminals.

TRANSNATIONAL CRIMINAL ACTIVITIES

By stating that transnational crimes are characterized by somehow transcending international borders, a rough distinction can be made to ordinary, domestic criminal activities. But it says fairly little about the nature of transnational crimes. In fact, transnational criminal activities are highly diverse, and the form and the degree of their “transnationality” vary greatly. This complexity is ignored in the often simplistic depictions of transnational crime.

Patterns of Cross-Border Movement in Transnational Crime

Variations in transnational criminal activities can be observed, first and foremost, in the patterns of cross-border movement. Two key dimensions defining a transnational crime are (a) the nature of what actually crosses the border and (b) the directionality of the cross-border movement (von Lampe, 2011c, p. 4).

What Crosses Borders?

Transnational crime involves the cross-border movement of one or more of the following:

- Persons
- Goods
- Information

It has been argued that much of transnational organized crime (and, in fact, much of organized crime) is essentially some variation of the smuggling of illicit goods (Kleemans & Van de Bunt, 1999, p. 23; Kleemans & de Poot, 2008, p. 75; Van Duyne, 1996, p. 346). For the most part this means that prohibited, controlled, or highly taxed goods are illegally transported across borders—for example, child pornography, stolen motor vehicles, pirated textiles, counterfeit medicine and counterfeit currency, protected wildlife, illegally logged timber, protected cultural artifacts, arms, drugs, embargoed technology, hazardous waste, gasoline, liquor, or cigarettes.

In the case of human trafficking and human smuggling, persons instead of objects are brought across the border. Whether offenders accompany the smuggled goods or persons is a question of the specific *modus operandi*. However, criminals do cross borders as an essential characteristic of some transnational crimes, namely, cross-border predatory crimes. For example, gangs engaged in serial burglary or serial robbery in one country may operate from home bases in another country, so that they cross the border whenever they go on a burglary or robbery spree (Weenink, Huisman, & Van der Laan, 2004).

Another type of transnational predatory crime may merely involve the cross-border movement of information—for example, certain cases of so-called 419 frauds. With a ruse like the promise of a lottery win or high profits from a business deal, victims are enticed to transfer money to recipients abroad solely based on communication with perpetrators by email, phone, or fax (Ampratwum, 2009).

Table 12.1 How Borders Are Crossed in Transnational Crime Schemes

Pattern of Cross-border Movement	Examples
→ Unidirectional	Drug smuggling
↔ Bi-directional	Cross-border burglary from home base
↻ Multidirectional (circular)	Carousel VAT-fraud within the European Union

The Directionality of Cross-Border Movement

The directionality of cross-border movement likewise varies by type of crime. Directionality as understood here refers to patterns in which borders are

traversed in the course of a crime (von Lampe, 2011c). Three types of directionality can be distinguished (Table 12.1): (a) unidirectional movement, (b) bi-directional movement, and (c) multidirectional, circular movement.

Smuggling is commonly a unidirectional activity of transporting contraband from source to destination country, perhaps via one or more transit countries. Payment for contraband goods, however, will go in the opposite direction, potentially posing a separate and possibly a bigger problem of moving large amounts of cash across borders (Reuter & Truman, 2004, p. 28; Chapter 10). In the case of the illegal export of hazardous waste, the cross-border movement appears to be more clearly unidirectional (Massari & Monzini, 2004).

Other transnational crime schemes are bi-directional, for example, in the case of serial burglars operating from safe home bases. Here, each criminal endeavor is completed only after a border has been crossed once in each direction between the home and the target country (Weenink et al., 2004). Certain cigarette-smuggling schemes also involve such a U-shaped pattern of movement, namely when untaxed cigarettes are officially procured for export to a third country only to be smuggled back to the country of origin for distribution on the black market (von Lampe, 2006a). "Carousel fraud" schemes targeting the system of value-added tax reimbursement within the EU may even develop, as the term indicates, a circular pattern linking a number of fraudulent firms in different countries in repeated rounds of cross-border transactions (Pashev, 2008; Van Duyn, 1999). Finally, there are crime schemes with complex transnational ramifications. The illicit production of synthetic drugs in the Netherlands provides one such example. Dutch ecstasy producers may procure precursor chemicals from suppliers in Eastern Europe and East Asia. The ecstasy is then produced in the Netherlands or Belgium to be smuggled through and into yet other countries for retail distribution (Blickman, Korf, Siegel, & Zaitch, 2003).

Table 12.2 Smuggling Schemes

Scheme	Where is the border crossed?	What is concealed?	Volume of contraband
Green/Blue Border	Outside of regular border crossings	Any cross-border movement	Low to high
Noncommercial Traffic	Regular border crossings for tourist travel	Cross-border transportation of goods	Low to medium
International Trade	Regular border crossings for commercial goods	Cross-border transportation of illegal goods	High
Mail and Parcel Service	Regular border crossings for commercial goods/mail	Cross-border transportation of goods/cross-border transportation of illegal goods	Low

Modes of Smuggling

Smuggling, the illegal movement of tangible objects or persons across borders, constitutes the core of most kinds of transnational crime. This is not to say that smuggling ventures are confined to the crossing of borders. Smuggling schemes may involve elaborate preparatory work, such as the concealing of contraband within means of transportation, elaborate activities at transshipment points, such as reloading, repackaging, relabeling, and temporary storage of contraband, and finally, elaborate activities in the destination country, such as the clearing of cover loads with customs after crossing the border and retrieval of contraband concealed inside containers and vehicles used for transportation (see, e.g., Decker & Townsend Chapman, 2008). Still, at the center of any analysis of smuggling must be an examination of the ways in which contraband is brought across the border.

The smuggling of goods occurs in essentially four different forms by land, air, or sea (Table 12.2):

- Cross-border transportation outside of regular border crossings
- Cross-border transportation under the guise of noncommercial cross-border traffic
- Cross-border transportation under the guise of international trade
- Cross-border transportation by mail or parcel services

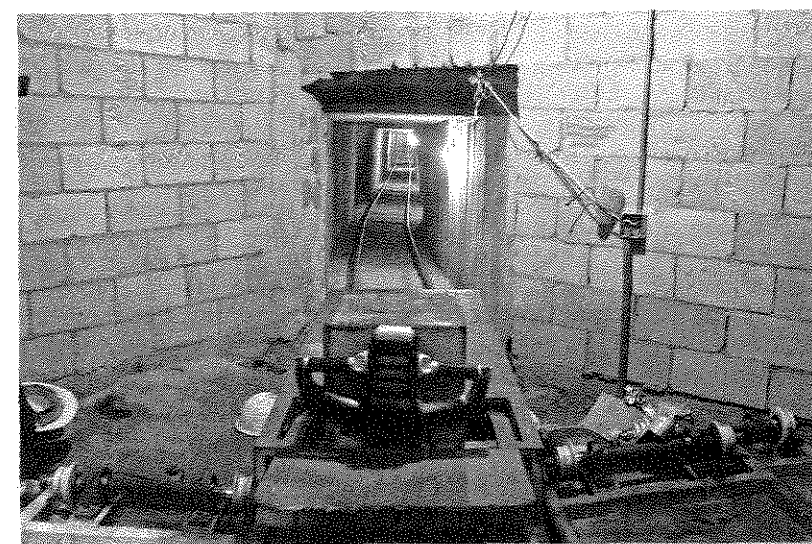


Image 12.1 A 600-meter drug-smuggling tunnel unearthed by Mexican authorities in November 2011 that connects the state of Baja California with San Diego on the U.S. side of the border.

Photo: AFP/Stringer

Each mode of smuggling entails specific logistical requirements with regard to the means and forms of transportation, the routes taken, and the volume of contraband moved in a single shipment.

Smuggling Outside of Regular Border Crossings

When smugglers cross the border outside of regular border crossings, they seek to hide from authorities the fact that there is any cross-border movement at all. The objective is to completely evade official scrutiny. In the case of smuggling over land, smugglers typically select a stretch of border (the “green border”) that is remote, poorly monitored, or difficult to monitor. And they will use means of transportation suitable for the terrain. For example, in mountainous border regions, such as those between Iran and Iraq, smugglers travel on foot or use mules (Murphy, 2002). Smugglers crossing from Egypt into Israel through the Negev desert travel on foot or use camels or off-road vehicles and take advantage of caves along the way to avoid detection (Siegel, 2009). In more densely monitored stretches of the border, smugglers may dig tunnels to cross the border undetected underground (Almog, 2004).

Smuggling across the green border by air involves the use of aircraft flying under the radar and either landing on irregular strips or staying airborne and dropping packages of contraband in prearranged drop zones (Decker & Townsend Chapman, 2008, pp. 80–83).

For smugglers moving by sea (the “blue border”), boats, sometimes launched from larger vessels, come ashore at remote stretches of the coastline to evade detection. In the smuggling across the blue border the counterpart to tunnels are submarines and semisubmersible vessels. Speedboats are an alternative means of transportation on water where offenders try to evade official scrutiny by reducing the time of exposure to border surveillance or by simply outpacing border patrols (Decker & Townsend Chapman, 2008, pp. 69–70).

Smuggling Under the Guise of Noncommercial Cross-Border Traffic

In contrast to smuggling across the green border or the blue border, smuggling schemes using regular border crossing points are not designed to conceal the cross-border movement as such. The border is crossed openly in the regular flow of noncommercial traffic. What is concealed is the fact that goods are being transported across the border.

Smuggling embedded in licit cross-border traffic can take many different forms depending on the mode of transportation and the level of concealment. Some variation also exists with regard to the type of contraband. For example, gold (Naylor, 2002) requires different modes of transportation than living, protected birds (Wyatt, 2009).

Perhaps the most common form of smuggling in terms of the number of incidents is smuggling by individuals who cross the border on foot, by bicycle, motorcycle, car, train, plane, ship, or ferry embedded in international tourist travel. The contraband may be hidden inside the body, under or inside clothing, or inside personal luggage. By swallowing the contraband, usually drugs, gold, or diamonds, the highest level of concealment is achieved because the contraband

cannot be detected by a normal, nonintrusive search of the person (Cawich, Valentine, Evans, Harding, & Crandon, 2009; Traub, Hoffman, & Nelson, 2003). Similarly, the detection of contraband hidden, for example, in false bottoms of suitcases or sewn into stuffed toys, may require the use of some form of technology such as X-ray scanners and may entail damaging or destroying the objects within which the contraband is hidden.

Personal vehicles, including bicycles, motorcycles, cars, vans, campers, and vessels like fishing boats, sailing boats, and motor yachts, provide numerous opportunities for concealing contraband in secret compartments. These compartments exist by design—for example, underneath the dashboard of a car—or are created specifically to hide contraband—for example, by dividing the gas tank of a car or motorboat. Creating these compartments, hiding the contraband, and retrieving the contraband after the border has been successfully crossed can be elaborate operations in their own right, at times requiring a high level of expertise and technical skills on the part of transnational offenders (Decker & Townsend Chapman, 2008, pp. 75–78; Desroches, 2005, pp. 97–98).

Reducing the likelihood of inspections can further increase the chances of successful smuggling runs. One method is bypassing controls altogether, for example, with the help of complicit baggage handlers at airports (Kleemans & Van de Bunt, 2008, p. 193) or with the help of diplomats whose official luggage is not subject to customs inspection (Naylor, 2002, pp. 149–150). Diplomatic bags (also called diplomatic pouches) used for the confidential conveyance of official correspondence between a government and its diplomatic missions abroad are considered as inviolable under international law as the premises of a diplomatic mission. Diplomatic bags are not necessarily bags in the literal sense. They can be as large as trucks or overseas containers (Zabyelina, 2013).

Another method to avoid inspection is the use of people who because of their (apparent) age, gender, religion, or social status may be unlikely to raise the suspicion of customs and border patrol officers, such as women with small children, older women, catholic priests, orthodox Jews, or celebrities (Campbell, 2008; Kostakos & Antonopoulos, 2010; Naylor, 2002).

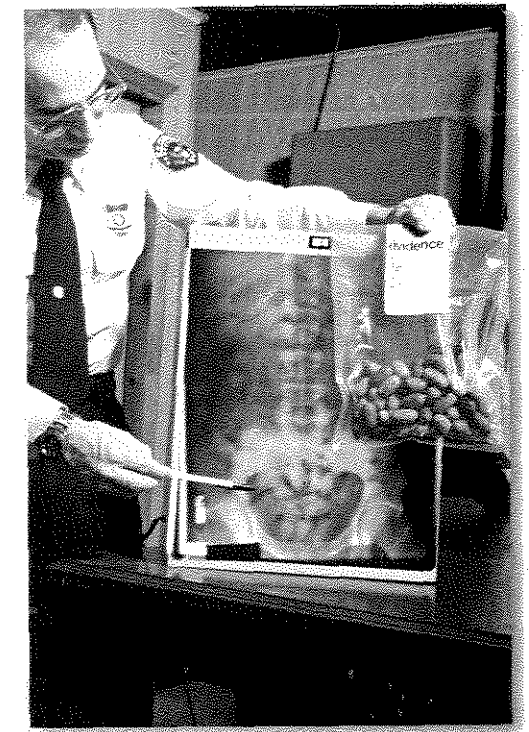


Image 12.2 A customs officer showing the drugs a smuggler had tried to bring into the United States hidden inside the stomach.

Photo: Jacques M. Chenet/CORBIS

Smuggling Under the Guise of International Trade

Arguably the most inconspicuous way to move contraband across the border, at least in larger volume, is the integration of smuggling into legal cross-border trade.

Just like smuggling embedded in tourist travel, no effort is made to conceal cross-border movement as such. In addition, no effort is made to conceal the fact that goods are being transported across the border. The smuggling virtually takes place under the nose of customs officers who may or may not be bribed.



Image 12.3 Customs agents at the port of Hamburg, Germany, confiscate 53 million contraband cigarettes hidden behind loads of towels in six 40 ft freight containers in July 2013.

Photo: Marcus Brandt/dpa/Corbis

What is concealed from authorities is the true nature of the goods crossing the border. This is achieved by either hiding contraband among legal goods or by falsely declaring the contraband as legal goods. For example, the shipping papers may state that a container holds a consignment of plastic shopping bags while in reality the container is filled with counterfeit cigarettes. As long as the container is not scanned or physically inspected, the contraband remains undetected.

Smuggling under the guise of legal cross-border trade requires offenders to behave like any legitimate commercial business and to have a more or less continuous transnational presence. Shipments have to be cleared with customs, and taxes and duties have to be paid on the declared goods. The kind of documents required for the cross-border movement of goods varies depending, for example, on the means of transportation and the kind of cargo, but in general the sender, the carrier, and the recipient of the goods have to be disclosed. This means that a business sending the shipment from one country and a business receiving the ship-

ment in another country have to at least exist on paper, and someone acting on behalf of one of these businesses has to interact with customs directly or indirectly through a dispatch forwarding agent. The integration into legal cross-border commerce can go so far that the entire smuggling operation, including transportation, customs clearance, and delivery, is outsourced to legitimate businesses while the criminals remain in the background (Caulkins et al., 2009, p. 80; von Lampe, 2007).

Smuggling by Mail and Parcel Services

A fourth smuggling scheme in addition to smuggling outside of regular crossing points and smuggling embedded in flows of legitimate cross-border travel and trade is sending contraband by mail or parcel service. This method is closely linked to the marketing of illicit goods over the Internet, such as cigarettes (von Lampe, 2006a, p. 242) and counterfeit medicine (World Health Organization, 2010), but it is also used as an alternative means of smuggling other items, for example drugs (Caulkins et al., 2009, p. 83) and endangered species (Warchol, Zupan, & Clack, 2003, p. 23). Similar to the use of commercial transportation, smuggling by mail and parcel service requires an infrastructure for receiving shipments in the destination country.

Strategic Choices Made by Smugglers

There is another aspect to smuggling that is important to understand: the choices that smugglers make in the constant game of cat and mouse they play with customs. One kind of choice smugglers make pertains to the profiling by customs. While customs agencies try to establish patterns in smuggling activities and devise new techniques and introduce new technologies to make borders less easily penetrable, smugglers try to avoid detection by becoming less predictable, increasing their level of sophistication, changing their modus operandi, switching their means of transportation, and shifting their smuggling routes (Decker & Townsend Chapman, 2008, p. 161; Desroches, 2005, pp. 97–98).

Smugglers may also respond to interdiction efforts by changing the scale of smuggling operations. One basic decision smugglers have to make is whether to move contraband in bulk or to break it down into a number of smaller shipments to spread the risk. In drug smuggling, for example, a consignment may be divided among a group of couriers (*mules*) with the expectation that only some of them will be caught, leaving the overall operation profitable. In fact, some smuggling enterprises intentionally give up some mules as bait in order to divert the attention of customs away from the other mules (Caulkins et al., 2009, p. 74; Van Duyne, 1993b, p. 11). What may be celebrated by customs as a success against smuggling may in fact be a victory for the smugglers.

The size of contraband shipments is closely linked to the mode of smuggling. Generally speaking, embedding contraband in legal cross-border trade permits the largest smuggling loads. This can be illustrated using cigarette smuggling as an example (von Lampe, 2007): An individual smuggler or mule, can carry up to about 3,000 cigarettes, weighing about 4.5 kilograms, strapped to the body and hidden under clothes. About 50,000 cigarettes, weighing about 75 kilograms, fit into the trunk of a car. In contrast, a standard 40 ft freight container can hold about 10 million cigarettes, weighing about 15,000 kilograms.

The Geography of Transnational Criminal Activities

Cross-border crime does not occur at random (Hall, 2012). There are certain patterns discernible in which cross-border predatory criminals operate and in

which contraband is smuggled. Countries and world regions are affected by transnational criminal activities in different ways and to different degrees. In previous chapters, it has already been noted that some countries show markedly higher levels of organized criminal activities than others—for example, with regard to illegal drugs (UNODC, 2014a) or illegal cigarettes (Joossens et al., 2009, p. 10). Apart from these quantitative differences, there are also functional differences in the roles countries and regions play in transnational criminal activities. In the area of transnational *predatory* crimes, the main distinction is between countries that serve as home bases for criminal groups (home-base countries) and countries where predatory crimes such as theft, burglary, and fraud are being committed (countries of operation). In the area of transnational *market-based* crimes, the main distinction is between source, transit, and destination countries for contraband.

Home-Base Countries and Countries of Operation in Transnational Predatory Crimes

Transnational predatory crime is characterized by offenders based in one jurisdiction committing crimes in another jurisdiction. If for no other reason, this *modus operandi* makes sense from the point of view of the offender in so far as the risk of apprehension and conviction is potentially reduced. Successful law enforcement in these cases tends to require cross-border cooperation between law enforcement agencies, and even where collaboration functions well it places an additional burden on criminal investigations (Casey, 2010, p. 136).

In home-base countries, offenders are recruited and trained and criminal endeavors are prepared that are then carried out in the countries of operation. The stereotypical geographical pattern of transnational predatory crime is that offenders based in poor Third World or transition countries seek their victims in rich, affluent countries of the First World. Certain countries are more notorious as home bases for predatory criminals than others. For example, transnational theft and burglary in North America and Western Europe have been linked to such Eastern and Southeast European countries as Lithuania, Poland, Romania, and the former Yugoslavia (Korsell & Larsson, 2011; Lindberg, Petrenko, Gladden, & Johnson, 1998; Weenink et al., 2004); and 419 frauds against victims in North America, Europe, and elsewhere have been linked to Nigeria (Ampratwum, 2009). Many cybercrimes, to give another example, have been traced to the Russian Federation, again with the victims primarily located in North America and in Western Europe (Holt, 2013).

The picture that emerges is that of a few countries that form hubs for transnational predatory crime from which victims in a large number of other countries are targeted. This picture, however, is not fully accurate. First, it would be an oversimplification to link transnational predatory crime to just a handful of countries. Probably no international border in the world is immune from cross-border predatory crime. Second, the roles that countries play are not fixed. In some cases, for example, transnational predatory offenders have moved their bases of operation closer to the countries of operation. An illustration of these dynamics is provided by Nigerian 419 fraudsters who have relocated to operate from the Netherlands (Oboh & Schoenmakers, 2010). And in some cases,

transnational predatory criminals are based in first-world countries from the start. For example, there is a long tradition of cross-border investment fraudsters based in North America and Western Europe enticing victims to invest their money in worthless ventures (Van Duyne, 1993b, pp. 25–26).

Source, Transit, and Destination Countries in Smuggling Schemes

The geographical patterns of *market-based* transnational crimes are somewhat different from the geographical patterns of transnational predatory crimes. The movement of contraband, it seems, tends to be concentrated along so-called trafficking routes. These are transportation channels that connect major source, transit, and destination countries by land, sea, or air, sometimes over great distances.

The stereotypical pattern is that illegal commodities are moved from poorer to richer countries, similar to the general movement of cross-border predatory criminals. The main destination countries are commonly believed to be in North America and Western Europe, while the main source countries vary with the type of illegal commodity, and they also vary over time.

Historically, illegal drugs marketed in North America and Western Europe originated from a rather small number of countries in specific world regions. The main source countries for cocaine have been Bolivia, Peru, and especially Colombia (Wisotsky, 1990). The main supply of heroin has come from Southeast Asia and the Middle East. One center of opium poppy cultivation and heroin production, especially during the 1960s and 1970s, has been the so-called Golden Triangle, encompassing Burma, Thailand, and Laos. In the Middle East, the so-called Golden Crescent encompassing Iran, Afghanistan, and Pakistan has been the main source for heroin, especially since the 1970s. Previously, Turkey had played an important role as a producer of heroin in the region (Paoli, Greenfield, & Reuter, 2009; Windle, 2014). The traditional supplier of marijuana to North America has been Mexico, while most of the cannabis products smuggled to Western Europe have come from Morocco (Leggett & Pietschmann, 2008).

The image of a general movement of illegal goods from poorer to richer countries is incomplete, as there is also significant movement in the opposite direction. For example, synthetic drugs have traditionally been produced in industrialized countries. Europe has been the world's main producer of amphetamine (EMCDDA & Europol, 2011) and has also been an important source for ecstasy (MDMA) marketed overseas (UNODC, 2014a). It should also be noted at this point that domestic production of cannabis in North America and Europe likewise has accounted for a significant share of the market (Leggett & Pietschmann, 2008).

To add to the complexity, certain countries play important roles as source as well as destination countries. The United States, for example, is not only the main country of destination for illegal drugs from Mexico. At the same time, the United States is the main source of weapons being smuggled to Mexico as well as to Canada (Cook, Cukier, & Krause, 2009). China is another major source and destination country for illegal goods. It is considered the main producer of counterfeit goods (Lin, 2011), and it is also considered to be a major consumer of trafficked wildlife products, such as ivory and tiger skin and tiger bones (Moyle, 2009; Stiles, 2004).

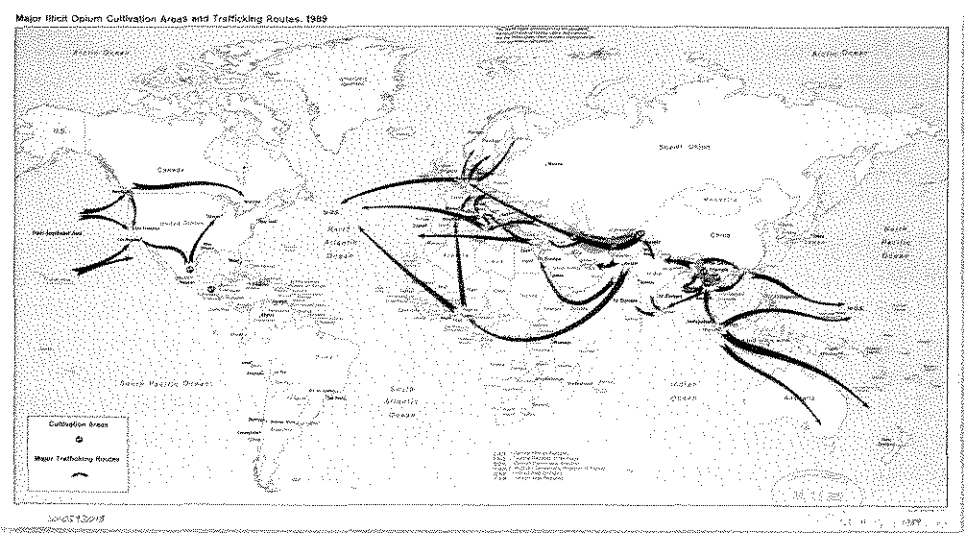


Image 12.4 A world map showing the major global trafficking routes for opium in 1989, the year that marked the end of the Cold War. How similar or different are the trafficking routes today?
Photo: Library of Congress, Geography and Map Division

Trafficking Routes

The trafficking routes along which contraband is smuggled do not necessarily mark the shortest distance between source and destination country. Trafficking routes are also not static; they may change over time more or less abruptly. The trafficking of cocaine provides a good illustration. In the 1980s and early 1990s, cocaine was primarily moved from Colombia to the United States by air or sea through the Caribbean. Then in response to intensified interdiction efforts, the trafficking route shifted to Mexico (Corcoran, 2013). At the same time, a new major trafficking route opened up to Europe via West Africa (Ellis, 2009).

Along the trafficking routes, there can be ports, cities, and entire countries that serve as transshipment centers. In these places, contraband may be repackaged and reloaded from one means of transportation to the other. For example, drugs may be transported by air or sea from Colombia to Mexico from where they are smuggled into the United States by land. This may be done to adapt to differences in the transportation infrastructure or to reduce the risk of detection.

Transshipment centers can have a central importance for the trafficking of illegal goods to the point that contraband en route to these transshipment centers is moved through later destination countries. Amsterdam is a case in point. The Dutch city is arguable the main transshipment center for drugs in Europe. Cocaine arrives through nearby ports, such as Rotterdam (The Netherlands) and Antwerp (Belgium) or from much farther away. Cannabis comes by land from Morocco through Spain and France just as heroin is traditionally shipped along the so-called Balkan route that connects the Golden Crescent through

Turkey, Bulgaria, and former Yugoslavia with Western Europe. It is quite common that drugs first pass through countries like France and Germany and then are sold in bulk in Amsterdam only to be smuggled back to these previous transit countries for retail distribution (see Huisman, Huikeshoven, & Van de Bunt, 2003; Zaitch, 2002). Miami, Florida, has played a similar role as a transshipment center for Colombian cocaine going to the domestic U.S. market and to Canada. Even cocaine flown via the Bahamas to North Carolina was first shipped back south to Miami before it was transported northward again for distribution in places like New York City (see Porter, 1993, p. 140).

Table 12.3 Factors Assumed to Shape the Geography of Transnational Organized Crime

Factor	Meaning	Example
Criminogenic Asymmetries	Cross-national differences creating incentives and opportunities for cross-border crime	Income inequalities between Eastern and Western Europe fostering cross-border predatory crime like serial burglary
Geographical Proximity	Crime opportunities presenting themselves to criminals in one country because of the short distance to another country	Iran functioning as a transshipment country for heroin from neighboring Afghanistan and Pakistan
Social Proximity	Crime opportunities presenting themselves to criminals in one country because of social ties to another country	Heroin smuggling by members of the same family that is spread across Turkey and Western Europe as a result of labor migration
Legal Flows of Goods and Persons	Trafficking routes mirroring legal-trade routes and/or routes of tourist travel	Drug trafficking between West Africa and China following West African traders coming to China to purchase consumer goods
Weak Controls	Transnational criminals preferring to operate where border controls and law enforcement are weakest	Drug trafficking from Latin America to Western Europe through corruption-ridden Guinea-Bissau

Explaining the Geography of Transnational Crime

The discernible geographical patterns of transnational criminal activities have been explained by reference to a number of factors (Table 12.3). Some of these factors pertain to the relationship between countries and some factors to conditions within particular countries.

Criminogenic Asymmetries. Perhaps the most general approach is Nikos Passas’ notion of *criminogenic asymmetries*. In essence, Passas contends that transnational crime is driven by differences between countries, “structural

disjunctions, mismatches and inequalities in the spheres of politics, culture, the economy and the law" (Passas, 2002, p. 26). Crime is assumed to be attracted by these differences just like water flows to the lowest point. Transnational income inequalities, for example, have been identified as a major driver for the illegal cross-border movement of people, either in the form of illegal migration or in the form of human trafficking, where the desire to find a better life elsewhere is exploited by traffickers (Aronowitz, 2001).

Cultural and legal differences can also promote transnational crime. For example, the absence of effective enforcement of laws against the sexual exploitation of children and public tolerance for child prostitution has attracted sex tourists to certain countries, such as in South East Asia, where they (individually or collectively) engage in child abuse (Lau, 2008). Likewise, cross-border illegal waste disposal is driven in part by different standards in environmental protection (Baird, Curry, & Cruz, 2014).

Another criminogenic asymmetry can be found in differential levels of taxes and customs duties. In a typical pattern, goods such as cigarettes, alcohol, gasoline, and precious metals are smuggled from low-tax to high-tax jurisdictions (see, e.g., Yürekli & Sayginsoy, 2010).

Other criminogenic asymmetries have less to do with man-made circumstances and more with natural conditions. Many trafficking routes that span the globe reflect climatic, geological, and ecological differences. For example, certain regions are more suitable than others for the cultivation of coca, poppy, or cannabis plants (Casale & Klein, 1993; Morrison, 1997; Paoli et al., 2009, p. 53). Similarly, certain protected wildlife—such as certain kinds of parrots in demand by collectors or sturgeon, the source of caviar—is confined to limited areas from where, then, trafficking routes extend to consumer countries (Pires, 2012; Zabyelina, 2014).

Geographical and Social Proximity. The notion of criminogenic asymmetries highlights fundamental, underlying conditions that explain the occurrence of transnational crime in broad strokes. But it does not always explain specific geographical patterns, for example, why certain trafficking routes constitute a detour between source and destination countries and why certain countries are more affected by transnational crime than others.

One explanation is that countries differ in what is called *social proximity*, as opposed to *geographical proximity*. Countries that may be far apart geographically can still be closely connected because of a shared language and culture and because of existing social ties. This is especially true between former colonial powers and their former colonies and between source and destination countries of migration. Social proximity can explain, for example, drug trafficking routes between the Dutch Antilles and the Netherlands and between Turkey, a major source country of labor migrants, and Northwestern Europa, historically a major area of destination for Turkish labor migrants (Paoli & Reuter, 2008; Van Duyne, 1996).

This does not mean, however, that geographical proximity is an entirely irrelevant factor. The importance of Iran as a key transit country for heroin, for example, is easily explained by the fact that it neighbors two major source

countries for heroin, Afghanistan and Pakistan, with which it shares porous borders characterized by mountainous and desert terrain (Sabatelle, 2011). Likewise, Mexico's role in the international drug trade is explained to no small degree by the fact that it neighbors the largest consumer market for illegal drugs, the United States. More generally, geographical proximity is an important factor where transnational crime is narrowly confined to cross-border crime connecting neighboring countries (see, e.g., Junninen & Aromaa, 1999). Sometimes these criminal activities are concentrated along the border affecting the border regions more than the rest of the country (Ceccato, 2007).

Legal Flows of Goods and Persons. Apart from social and geographical proximity, trafficking routes have been explained by reference to the legal transnational movement of goods and persons. The contention is that "most smuggling parallels the methods and routes of legal commerce" (Andreas, 1999, p. 89; see also Zaitch, 2002, p. 101). This means that the emergence of trade routes is followed by the emergence of trafficking routes. For example, exploring African traders who are bringing consumer goods from China to their home countries "have figured out that a quick and convenient way to acquire hard currency is through drug trafficking" (Chin & Zhang, 2007, p. 39).

The link between legal and illegal trade routes also means that the larger the flow of legal goods, the greater the volume of illegal goods that are moved through the same channels. By embedding contraband in the large flow of legal cross-border movement, it is argued, smugglers take advantage of lower costs and the decreased likelihood of detection (Russo, 2010).

Weak Controls. The notions of social and geographical proximity and of criminogenic asymmetries allude to the relation between two or more countries. Another frequently proposed explanation for transnational crime patterns pertains to conditions within individual countries, specifically those that lack the capacity to enforce laws and protect their borders. These countries are classified as "weak states" or "failed states" and are believed to be used by transnational criminals as safe havens and as passageways for the transportation of contraband (Williams & Godson, 2002). A classic example is Guinea-Bissau. Located at the southwestern most tip of West Africa between Senegal and Guinea with a population of 1.6 million, the former Portuguese colony is ranked as one of the poorest and most underdeveloped countries in the world. In the mid-2000s, Guinea-Bissau is alleged to have become an important transshipment center for Latin American cocaine en route to Western Europe, following efforts by European law enforcement agencies to curb the influx of cocaine through direct air and maritime routes (Ellis, 2009; UNODC, 2008; Van Riper, 2014). Guinea-Bissau is considered attractive for drug traffickers for mainly two reasons. It is within range of small airplanes that can make the roughly 2,500 km trip from Latin America with a sizeable load of cocaine, and it suffers from a chronic weakness of state institutions. Since its independence in 1974, the country has experienced a series of coup attempts and successful coups that have left power largely in the hands of military leaders alleged to collude with drug traffickers.



Image 12.5 People gather around a speedboat of a type believed to be used by drug traffickers, as it unloads cargo at a quay in Bissau, Guinea-Bissau, in July 2007.

Photo: ASSOCIATED PRESS/AP

Military units have reportedly provided logistical support for the transportation and storage of cocaine, including the building of landing strips, in return for bribe payments. While the police have made some sizeable seizures of cocaine, they suffer from a lack of resources in comparison to corrupt branches of the government. In one notorious incident in 2006, three Colombian drug traffickers arrested by the Judiciary Police were liberated by heavily armed Interior Ministry Police, who also forced the surrender of the 674 kg of cocaine that had been confiscated (Nossiter, 2012, 2013; Traub, 2010).

CROSS-BORDER MOBILITY AND CROSS-BORDER NETWORKING OF CRIMINALS

The patterns of transnational criminal activities that have been discussed in the previous section reflect crime opportunities that present themselves to those who are willing and able to overcome borders in one way or the other. The next section will examine how offenders organize around these transnational crime opportunities. First, however, two underlying aspects need to be examined that form the basis for the emergence and functioning of any kind of transnational criminal structures: the cross-border mobility and the cross-border networking of criminals. Both are closely linked. The cross-border mobility of criminals can promote cross-border criminal networking, just like the cross-border networking

of criminals can increase their cross-border mobility. Finally, cross-border networking can be a functional alternative to cross-border mobility. Put in another way, criminals who have accomplices on the other side of the border have fewer reasons to cross the border themselves. This is important, as there can be substantial barriers to cross-border mobility.

Cross-Border Mobility

According to a widely held view, globalization has greatly facilitated not only the general cross-border movement of goods and people but also the cross-border movement of contraband and criminals (Shelley, 2011; Williams & Godson, 2002). Some borders may be porous because of natural conditions or a lack of state resources (Townsend, 2006), others have become more permeable as a result of political changes, namely the fall of the Iron Curtain with the demise of the Soviet Bloc, and some borders, like those within Western Europe, have ceased to exist in the traditional way (Faure Atger, 2008). Still, even in the era of globalization, crossing borders can pose a major obstacle for criminals. Considerable advances in international law enforcement cooperation have gone hand in hand with technological innovations to greatly facilitate the identification and monitoring of (potential) transnational offenders, while international borders have gained renewed importance since September 11, 2001 (Franko Aas, 2013).

Borders as Obstacles for Transnational Crime

Efforts to curtail international terrorism and irregular migration have resulted in tightened border control regimes between, for example, the United States and Mexico and between the European Union and its neighbors to the East and South (Baldaccini, 2008; Shamir, 2005).

At the same time, traditional border controls have been scaled down or removed along certain borders, namely, within Europe's Schengen area. But this does not mean that borders are being abolished. Rather, the monitoring and control of cross-border movement becomes "dispersed in a complex fashion across space and time" (Jamieson, South, & Taylor, 1998, p. 308; see also Wonders, 2007). As Petrus van Duyne has argued, the borders of modern states generally extend into a dense web of information and control within a country, leaving little moving space for those trying to evade detection except at the margins of society (Van Duyne, 1998, pp. 259–260; see also Broeders, 2007; Loftus, 2015).

Ironically, crime control efforts can sometimes facilitate the crossing of borders by criminals and the expansion of transnational criminal networks. This is the case when migrants are deported because of crimes they have committed in their country of residence. For example, it has been argued that the deportation of criminals from the United States has fostered drugs and arms trafficking between the United States and countries in Central America and in the Caribbean (Dudley, 2010; Williams & Roth, 2011).

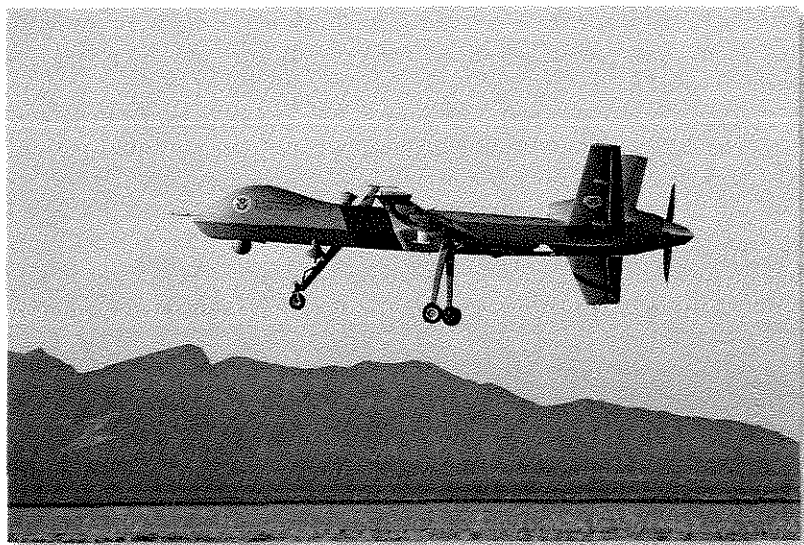


Image 12.6 Technological advances like surveillance drones similar to the one shown taking off on a U.S. Customs Border Patrol mission from Fort Huachuca, Arizona, in October 2007, have made borders less penetrable for transnational criminals.

Photo: ASSOCIATED PRESS/AP

Operating in an Alien Environment

The crossing of borders as such is not the only challenge that transnational criminals face. Once in a foreign country, they have to cope with an unfamiliar environment. Legal, cultural, and language barriers may prevent them from taking full advantage of the legitimate infrastructure, for example, to set up a business or open a bank account. Of course, these problems are greatly reduced when migrants operate in their own country of origin (see, e.g., Soudijn & Kleemans, 2009, p. 467) or when transnational criminals take advantage of similarities in language, culture, and the legal system between former colonial powers and their former colonies (Zaitch, 2002, p. 89). Still, being an outsider in the country of operation will tend to increase the risk of detection. Behaving in an unconventional way, for example, can draw unwanted attention and may raise suspicion. This is why the Cali Cartel reportedly instructed U.S.-based operatives who managed stash houses to blend into their social environment by doing such things as regularly cutting the lawn and going to the movies every Thursday night (Kenney, 1999b, p. 106).

Familiarity with the respective legal system also seems important. Decker and Townsend Chapman (2008, p. 140), for example, found that many of the incarcerated drug traffickers they interviewed had been ignorant of crucial aspects of the substantive and procedural criminal law in the United States, thereby becoming more vulnerable to arrest and lengthy prison sentences.

There is a plausible assumption that offenders operating in a foreign country as outsiders tend to be limited in the types of crime they can commit (Massari, 2003, p. 65). It is probably no coincidence that criminals without social support within the country of operation tend to specialize in overt “hit-and-run” crimes like serial robbery and serial burglary that do not require blending into conventional patterns of behavior (Felson, 2006a, p. 254; von Lampe, 2008b, p. 15).

Given these constraints, transnational offenders may be confined to “niches of familiarity” (von Lampe, 2011c, p. 6) that migrant communities provide. These subcultural enclaves are often highlighted as an important support infrastructure for transnational offenders, even providing some level of protection against law enforcement because of the shielding effects of cultural and language differences to the host society (Kleemans & Van de Bunt, 1999, p. 25; Paoli & Reuter, 2008, p. 24; Shelley, 2001, p. 4; Williams & Godson, 2002, pp. 330–331).

Some obstacles can also be overcome, if only gradually, by taking up permanent residence in a foreign country. There is some evidence that this has happened, especially in the area of drug trafficking. Colombian drug traffickers are said to have relocated to important transshipment centers in Mexico, the Netherlands, and West Africa, namely Guinea-Bissau, where they may work for one or for several drug trafficking groups, or they may try to organize smuggling operations on their own (Ellis, 2009, p. 172; Kenney, 1999a, p. 127; Zaitch, 2002, pp. 160–161). African traffickers, in turn, have reportedly taken residence in Pakistan and India, at times registering as students to procure drugs for drug entrepreneurs based in Europe (Ruggiero & Khan, 2006, p. 481; Van Duyne, 1993b, p. 14). Likewise, British drug traffickers have set up residence in the Netherlands and in Spain, which is also the permanent residence of some Dutch traffickers (Soudijn & Huisman, 2011).

However, from the available evidence it seems that transnational offenders relocating to another country for the purpose of facilitating and committing crimes is more the exception than the rule. More commonly, links are established or activated to individuals already present and well entrenched in the country of operation. Depending on the circumstances, these may be individuals sharing the same ethnic background as the transnational offenders, members of other migrant communities, or individuals indigenous to the country of operation (Gounev & Bezlov, 2008, p. 424; Lee, 1999, p. 15; McIlwain, 2001, p. 47; Sieber & Bögel, 1993, p. 80; Van Daele & Vander Beken, 2009, p. 57; von Lampe, 2009c).

Awareness Space

Limitations in cross-border mobility not only affect the ability to engage in cross-border crime, they reduce the likelihood that criminals become aware of transnational crime opportunities in the first place.

Offenders are generally limited to opportunities within their respective “awareness space,” mainly shaped in time and physical space by past activities (Brantingham & Brantingham, 1993, p. 269). An offender “commits crime in the areas he knows” (Felson, 2006a, p. 234). This implies that cross-border mobility of some form is not only an inherent characteristic of transnational crime but a precondition.



Image 12.7 Africans and Chinese stand outside a clothing wholesale market in Guangzhou, China, a city with a large community of traders from West Africa. Expatriate communities like these can provide “niches of familiarity” for transnational criminals who explore and exploit crime opportunities in an otherwise foreign environment.

Photo: David Hogsholt/Contributor

However, this cross-border mobility does not have to be linked to criminal conduct. In fact, opportunities encountered in the course of legal cross-border movement, such as tourist travel, business travel, migration, study, or military deployment abroad, have been at the root of many transnational criminal ventures. For example, there are indications that a direct link exists between the presence of American troops in Indochina in the 1960s and 1970s and the emergence of heroin trafficking routes between Southeast Asia and the United States (McCoy, 2003, p. 258). Likewise, it seems that tourists discovering cross-border price discrepancies in the legal cigarette market contributed significantly to the emergence of major cigarette black markets in Germany and the United Kingdom (Hornsby & Hobbs, 2007; von Lampe, 2002b). Of course, media reports, the Internet, and person-to-person communication, such as within diaspora networks, may also alert potential offenders to the existence of transnational crime opportunities (Chin & Zhang, 2007, p. 37; Clarke & Brown, 2003, p. 209; Decker & Townsend Chapman, 2008, p. 119; Gounev & Bezlov, 2008, p. 425).

Criminal Foraging

Apart from the coincidental discovery of crime opportunities, transnational criminals may actively and purposefully seek out opportunities for crime. This kind of behavior is what Marcus Felson (2006a, p. 241) has termed “criminal

foraging.” Exploring opportunities is typical for a wide range of crime. However, offenders generally “tend to forage near their homes and other places they already know” (Felson, 2006a, p. 263). At least some transnational criminals appear to be more exploratory and more daring than that. In one extreme case “drug traffickers from Latin America smuggled several kilos of cocaine into China to test the market and see if they can find a local buyer” (Chin & Zhang, 2007, p. 40). Not surprisingly it was a Chinese police official who had this story to tell.

But there is also evidence that transnational criminals do indeed fit the mold of sophisticated, organized offenders who are capable of taking the initiative and of seeking out and creating crime opportunities (Ekblom, 2003, p. 252). This is illustrated by an analysis of transnational criminals from Eastern Europe committing serious property offenses in Belgium. Van Daele, Vander Beken, and Bruinsma (2012) found that these transnational offenders travelled greater distances and were more flexible in their movements within Belgium than comparable domestic Belgian offenders. Human traffickers, likewise, “are said to undertake informal market surveys to identify the most advantageous market, calculating costs, risks and benefits” (Surtees, 2008, p. 48). In a similar vein, Michael Kenney has described Colombian drug trafficking organizations as “learning organizations” that conduct research on crime opportunities by “gathering information about alternative routes and transshipment methods, experimenting with certain alternatives that proved capable of transporting large quantities” (Kenney, 1999a, p. 110).

Overall, it seems that discovering transnational crime opportunities may for the most part be linked to routine, licit cross-border mobility of persons and information, but some adventurous offenders may go beyond these established paths.

Cross-Border Networking

Transnational crime does not necessarily require the organization of criminals. Just like crime that occurs within a single country, the spectrum ranges from individual, lone offenders to complex criminal organizations (Gamella & Jimenez Rodrigo, 2008, pp. 286–287). And just like criminal structures in general, where transnational criminal structures do exist, at their core they constitute networks of criminally exploitable ties (see Chapter 5).

The Need for Cross-Border Networking

As has already been indicated, the importance of cross-border networking varies by crime type. Cross-border networking is inherent in the functioning of transnational illegal markets. Inevitably, suppliers and customers from different countries have to be somehow connected across borders (Kleemans & de Poot, 2008, p. 75). In contrast, cross-border predatory criminals do not depend on contacts in the country of operation, although in practice they may receive local support (Sieber & Bögel, 1993, p. 80; Van Daele & Vander Beken, 2009, p. 57; Weenink et al., 2004).

The need for cross-border networking also seems to be dependent in part on the scale of a criminal venture. Research on cannabis and cigarette smuggling operations shows a positive correlation between the size of contraband shipments and the size and diversity of the entrepreneurial structures handling these shipments (Gamella & Jimenez Rodrigo, 2008; von Lampe, 2007).

Cross-border networking can enable or facilitate crime, and in various ways it can reduce risks inherent in transnational crime (McIlwain, 2001). For example, where in the eyes of law enforcement a specific nationality or ethnicity is linked to certain criminal activity, such as Colombians in drug trafficking, transnational offenders may transfer certain tasks to local criminals in order to reduce visibility (Decker & Townsend Chapman, 2008, p. 71; Zaitch, 2002, p. 167). Establishing relationships with local criminals may also be necessary to avoid conflicts, namely, where criminal groups exert territorial control. These groups, in addition, may be in a position to provide access to resources, such as logistical support and protection from law enforcement (Arlacchi, 1986, pp. 151–153).

Another facet of the networking of transnational criminals is the recruitment of individuals positioned within the sphere of legal business. For example, smuggling enterprises transporting contraband by air can link up with airline staff, airplane cleaners, and luggage handlers at airports to bypass customs controls (Caulkins et al., 2009, p. 82; Kleemans & Van de Bunt, 2008, pp. 192–193). Similarly, smuggling enterprises using transport by land and sea will seek the cooperation of individuals with a background in boating, fishing, import and export, and transportation (Decker & Townsend Chapman, 2008, p. 101; Desroches, 2005, p. 45; Kostakos & Antonopoulos, 2010, p. 53; Soudijn & Kleemans, 2009, p. 464). Establishing relationships with corrupt officials to gain immunity from law enforcement and to facilitate smuggling operations can also be advantageous, although, as already indicated, corruption is not always necessary for successfully committing transnational crimes (Chapter 11).

The Formation of Transnational Criminal Links

In Chapter 5, the formation of criminal networks was explained as the result of essentially two mechanisms, the activation of preexisting social ties for criminal purposes and the establishment of contacts between criminals who meet at offender convergence settings. Both mechanisms are also relevant for the formation of transnational criminal networks.

A recurring theme in the literature on transnational organized crime is how criminal networks are embedded in webs of social relations that provide a basis of trust (see von Lampe & Johansen, 2004b). Ethnicity is often mentioned in this respect, although only rarely is the explicit claim made that it is shared ethnicity rather than underlying social ties that bring coconspirators together (Decker & Townsend Chapman, 2008, p. 96; see also Desroches, 2005, p. 63). In most cases, it seems, ethnic homogeneity is a superficial characteristic of criminal networks based on family, friendship, or local community ties (see Chapter 5). As a result of migration, these close social ties may span great geographical distances. For example, heroin trafficking from production in Eastern Turkey to sale in Western Europe may be handled by members of the same

family (Bruinsma & Bernasco, 2004, p. 87). Ritual kinship ties created by fraternal associations with branches in different countries, namely, the major outlaw motorcycle gangs and mafia associations like Camorra, Cosa Nostra, and 'Ndrangheta, are even more likely to foster the cross-border networking of criminals (Barker, 2011; Varese, 2011; Chapter 7).

Yet, close bonds of that nature are not necessarily a precondition for the emergence of transnational criminal networks. As anecdotal evidence suggests, relatively weak social ties can be sufficient grounds for transnational criminal cooperation (Antonopoulos, 2008a, p. 277; Chin & Zhang, 2007, pp. 37–38; Desroches, 2005, pp. 65–66; von Lampe, 2009c, pp. 26–34). Even indirect contacts and a reputation for trustworthiness and reliability gained within (legitimate or illegitimate) milieus have been found to provide a basis for the formation and expansion of transnational criminal networks (Decker & Townsend Chapman, 2008, p. 96; Kleemans & de Poot, 2008, pp. 90–91).

Networking across borders is also facilitated by international offender convergence settings. These are places where criminals from different countries come together and establish working relationships without preexisting ties. Miami has been dubbed a “perfect melting pot for gangsters” (Robinson, 2000, p. 214) as it attracts criminals from Latin America, North America, and Europe. Amsterdam has been identified as a similarly important meeting place in Europe, especially for drug traffickers (Caulkins et al., 2009, p. 68; Huisman et al., 2003; Junninen, 2006, p. 157; Ruggiero & Khan, 2006, p. 479; Ruggiero & Khan, 2007, p. 170; Zaitch, 2002, p. 106).

An illustrative example of a less prominent convergence setting, Puerto Vallarta in Mexico, is provided by Bruce Porter in his biography of legendary American drug smuggler George Jung (Porter, 1993). In the late 1960s, long before coming into contact with the Medellín Cartel, Jung distributed Mexican marijuana obtained from a local source in Southern California. At some point in time, he decided to buy the drugs for a better price directly in Mexico. Jung and two accomplices flew to Puerto Vallarta because it was rumored to be “the place to get marijuana in large quantities.” Although they knew little Spanish, possessed no knowledge about Puerto Vallarta, and had no initial contact to start with, Jung and his accomplices eventually did succeed in finding a supplier. After three weeks of fruitless socializing, they were contacted by a local drug trafficker who had observed them for some time “and wanted to see if they could do business” (Porter, 1993, pp. 69–71).

A second crucial convergence setting for transnational criminals are prisons. It was in a U.S. penitentiary where George Jung met Carlos Lehder, an ally of Pablo Escobar. Subsequently Jung, through Lehder, advanced to become a key associate of the Medellín Cartel (Porter, 1993). Another illustrative example of the importance of prisons as incubators of transnational criminal networks is provided by the case of Ronald Miehling, who went from pimp and small-time criminal to one of Germany's major drug traffickers. Miehling met a cocaine dealer from the Dutch Antilles in a German prison who invited him to a Christmas party in Amsterdam. There, Miehling was introduced to a drug trafficker from New York City who eventually brought him in direct contact with cocaine suppliers in Colombia (Miehling & Timmerberg, 2004). The case of Miehling and similar examples show that, despite the barriers that political,

legal, and cultural borders create, it is possible for some criminals to form viable transnational structures.

The case of Miehl is also instructive in that it shows the variety of constellations in which transnational criminal networks can develop, including "routine activities of everyday life," such as going to a party or going on a vacation (Decker & Townsend Chapman, 2008, p. 108). While certain patterns in the organization of transnational offenders exist, reflecting, for example, flows of migration and the direction of trafficking routes, the multiplicity of factors that are at work almost inevitably combine to form a diffuse patchwork of activities and actors.

TRANSNATIONAL CRIMINAL STRUCTURES

In previous chapters, particularly in Chapters 5 through 8, criminal structures have already been discussed at great length. Everything that has been said in general terms about the various types of illegal structures, how they emerge and how they are shaped, also applies to the transnational sphere. In this chapter, the focus is on how specifically the general patterns identified in Chapters 5 through 8 manifest themselves in a transnational context. The discussion follows the distinction of entrepreneurial structures, associational structures, and quasi-governmental structures.

Transnational Illegal Entrepreneurial Structures

Illegal entrepreneurial structures have been defined in Chapter 5 as criminal structures that are geared toward generating financial or other material benefits. This broad concept encompasses three ideal-typical forms: markets, (entrepreneurial) networks, and hierarchies (illegal firms).

Transnational Illegal Markets

Transnational illegal markets, just like illegal and legal markets in general, can be examined from two perspectives. One perspective is to see markets as an ideal-typical mode of organization distinct from networks and hierarchies (Chapter 5). Another perspective is to view markets as an institution that, through the free competition of numerous sellers and buyers, determines the price and production volume of a product. It is with regard to this second perspective that the transnational dimension deserves added attention.

In order for the market mechanism to function, potential buyers have to be aware of potential sellers and have to be able to opt for the best offer (Carroll, 1983, p. 331). This level of transparency, of course, is not a given under conditions of illegality because the flow of information is greatly restricted (Chapter 8). Transparency among potential sellers and buyers of illegal goods and services appears even less likely across borders and across language and cultural differences. The question is, accordingly, to what extent transnational illegal

markets, in the sense of arenas for the exchange of illegal commodities, do exist at all. While frequently used terms like *global drug market* suggest that illegal markets do extend across international borders, little research has been done that would support this notion. One exception is a study by Claudia Costa Storti and Paul De Grauwe (2009) on international trends in cocaine and heroin prices. They explain the substantial decreases, 50% to 80%, in the retail prices for cocaine and heroin in the United States and Europe between 1990 and the mid-2000s with the reduced ability of wholesale and retail dealers to mark up their prices. Costa Storti and De Grauwe argue that this is to a large part the result of increased competition on a global scale, similar to price declines in legal consumer markets. This would suggest that there are indeed markets in the sense of price-setting institutions for cocaine and heroin on an international scale.

Transnational Entrepreneurial Networks and Transnational Illegal Firms

Determining the transnational nature of illegal markets is relatively straightforward. It can be observed by looking at the exchange of illegal goods and services across borders and by establishing the degree to which prices follow uniform trends.

The transnational nature of other, more integrated structures is at least as much a conceptual question as an empirical question. What exactly makes a group of criminals who cooperate in the commission of crimes transnational? The question pertains to illegal entrepreneurial networks as well as to delineable organizational entities in the form of illegal firms (Chapter 6). Six possible scenarios can be distinguished:

- *Travelling criminal group.* A criminal group that is continuously moving from one country of operation to another without a home base. The members of the group have no permanent residency in any country.
- *Cross-border mobile criminal group.* A criminal group is based in one country and operates in another country. Members of the group cross borders for the commission of crimes.
- *Migrating criminal group.* A criminal group is migrating from one country to another. The members of the group permanently relocate to the new country.
- *Multinational criminal group.* A criminal group based in one country establishes bases in other countries. Some of its members permanently relocate to the other countries, or new members are recruited there.
- *Transnational merger or joint venture.* A criminal group from one country enters into a collaborative relationship with a criminal group from another country.
- *Emergent transnational criminal group.* Individuals from different countries come together to cooperate in the commission of crimes on a permanent basis, thereby forming a new (transnational) criminal structure.

Some of these scenarios appear to be more common than others.

Travelling Criminal Groups. Criminal groups consisting of members with no permanent residence who travel from place to place and from one country to another appear to be primarily a phenomenon of historical significance. Bands of travelling criminals are a prominent theme in crime reports in Europe in the 15th through 19th century (Danker, 1988; Radbruch & Gwinner, 1991).

Cross-Border Mobile Criminal Groups. Criminal groups that operate across borders from a home-base country are more typical in the present day. They are commonly engaged in predatory crimes. One example is the so-called Koszalin gang (also known as “Hammer gang” and “Rolex gang”), named after a town in Northwestern Poland. The gang comprised about 200 members and existed over a time span of about 10 years until it was dismantled in 2004. It engaged in robberies of jewelry stores in Western European countries, using either stolen cars to gain entry into stores by brute force or entering stores during business hours to then, within minutes, smash show cases with sledgehammers and remove high-value merchandise, such as luxury watches. Gang members were typically recruited for the execution of these crimes from among unemployed men in their mid-20s to mid-30s. They operated in teams under the direction of group leaders who cooperated with residents in the target areas and reported to the gang leadership in Koszalin (Rieger, 2006).

Migrating Criminal Groups and Multinational Criminal Groups. It is difficult to find examples of migrating illegal enterprises that have moved entirely from one country to another. More common are entrepreneurial criminal structures that expand across borders by establishing branches in other countries without giving up their original home base. In its simplest form, all it takes is one group member who has a permanent presence in another country. In other cases, elaborate structures exist in two or more countries. One example, the Cali Cartel, has already been mentioned in Chapter 6 and in Chapter 11. The Cali Cartel had operatives stationed in several source and transit countries and in the United States as the main destination country for cocaine (Chepesiuk, 2005; Rempel, 2012).

Another example of a complex transnational criminal firm is a criminal organization that was involved in the trafficking in stolen motor vehicles between Western Europe and Lithuania in the early 2000s. The organization has been described by one of the German police investigators working on the case (von der Lage, 2003). The organization had its home base in Lithuania from where several subunits were directed that operated within Germany and other Western European countries. The subunits in Germany stole cars on order. The cars were later shipped to Lithuania in whole or in parts. Most members were Lithuanian citizens who, since 1999, no longer required a visa to travel to Germany. The Lithuanian members of the organization were in charge of stealing the cars and altering their appearance or taking them apart. For some technically sophisticated tasks, specialists were hired or “borrowed” from other organizations. The few German members of the organization fulfilled such tasks as registering vehicles, renting warehouses, or driving stolen cars to Lithuania. The operatives in Germany received fixed amounts of money for each car from headquarters in Lithuania. The funds were divided among members after covering costs. The subunits could also sell cars in Germany or in the Netherlands to cover their

operating costs. The leadership in Lithuania exercised control over the subunits through a middleman. Members were promoted or demoted based on merit (von der Lage, 2003, p. 360).

Transnational Mergers and Joint Ventures. Illegal entrepreneurial structures that come into existence as the result of a merger of previously independent criminal groups have been mentioned in the literature, but concrete, well-documented examples are hard to come by (Williams, 2002, p. 69). What perhaps comes closest to this scenario is the kind of strategic partnership or joint venture that Colombian drug traffickers and Mexican criminal groups had formed in the 1980s and 1990s to smuggle cocaine into the United States. Some of the cocaine went to California for distribution by Mexican dealers, while the rest was distributed elsewhere in the United States by Colombian traffickers. In this case, the two sides combined complementary resources to mutual advantage, one side with access to cocaine and the other with expertise in smuggling drugs across the U.S. Mexico border (Williams, 1995, pp. 64–65).

More generally, illegal firms along transnational supply chains can be seen to cooperate on a regular basis. These patterns have variously been observed along trafficking routes, not only in the area of drug trafficking but also, for example, in the areas of human smuggling and the trafficking in stolen motor vehicles. The picture that emerges is that of small groups of criminals, each handling in sequence a small portion of the overall process of transnational crime (Bruinsma & Bernasco, 2004, p. 89; Icduygu & Toktas, 2002, p. 46; Kaizen & Nonneman, 2007, p. 127; Soudijn, 2006, pp. 87–89). Icduygu and Toktas give an example of a case of illegal migration:

Illegal migrants are taken from city to city or from country to country via the “hand-to-hand” or “smuggler-to-smuggler” approach. The migrant who illegally crosses the border is handed over to another smuggler in the country of arrival and continues on his route. (2002, p. 46)

The illegal firms that directly cooperate with each other along the chain may establish close relationships, although generally the assumption seems to be that they “carry out their activities not as members of a large, central organization for illegal migration, but as independent pieces, which form only a small part of the larger chain” (Icduygu & Toktas, 2002, p. 47; see also Kaizen & Nonneman, 2007, p. 128).

Emergent Transnational Criminal Groups. Emergent transnational entrepreneurial structures may well be the most common of the five identified scenarios. They take shape in the continued cross-border interaction between criminals who exploit a particular crime opportunity.

The career of legendary Welsh smuggler Howard Marks (“Mr. Nice”) provides several examples for emergent transnational structures in the illegal cannabis trade. His contacts to various individuals and groups in a number of different countries in Europe and Asia as well as in the United States led to the formation of several—though rather ephemeral—smuggling operations (Marks, 1998; see also Morselli, 2001).

Transnational Illegal Associational Structures

Associational criminal structures are a prominent reference point in the public debate on transnational organized crime. The international presence of members of organizations such as the Italian mafia associations, the post-Soviet Vory v Zakone, the Chinese triads, and the Japanese yakuza groups have served as a key facet in the narrative of a global spread of organized crime.

Apart from the cross-border mobility of individual members, a major concern is the spread of these associations as such. The major international outlaw motorcycle gangs provide clear evidence that such an expansion across borders has taken place. Outlaw motorcycle gangs like the Hell's Angels and Bandidos have official chapters in many parts of the world (see Chapter 7). It is not readily apparent, however, what this transnational presence implies.

Implications of the International Presence of Members of Criminal Associations

When individual members of criminal associations travel or relocate to another country, it may not mean much. Associational structures are primarily inwardly oriented. As has been pointed out in Chapter 7, their four main functions are to (a) create and reinforce social bonds between members, to (b) facilitate communication among members, to (c) promote mutual aid, and to (d) establish and enforce internal codes of conduct. For individual members who are geographically separated from other members, belonging to a criminal association may for all practical purposes be irrelevant. They may not be able to draw on the support of their brethren, and they may not be able to draw on the reputation and status that comes with membership in their country of origin. This is especially true, of course, for criminal associations that are secret societies. By nature, their members are not recognizable to outsiders, and a member of an organization such as the Sicilian Mafia, for instance, is not allowed to disclose his membership status to others (Chapter 7).

The presence of one individual member of a criminal association abroad will in all likelihood be primarily of importance for the other members. Their network of criminally exploitable ties is being expanded internationally, which, in turn, may create new opportunities for crime. For example, members abroad may assist in laundering illegal profits, give shelter to fugitives, or provide logistical support for the commission of crimes (Campana, 2011).

Cross-Border Expansion of Associational Criminal Structures

Beyond the cross-border mobility of individual members, criminal associations can expand internationally as structural entities in a variety of ways. One scenario is that several members relocate to another country and their number reaches a critical mass to form a satellite branch. Some examples are the new units of Italian mafia organizations, namely of the Cosa Nostra and 'Ndrangheta, that have sprung up within migrant communities in various European countries as well as in North and South America and Australia (Paoli, 2003a, p. 32; Sciarrone & Storti, 2014; Sergi, 2014). International expansion also occurs when an association recruits new members in another country or when associations of

criminals from different countries merge. Examples for these two scenarios are provided by the international expansion strategies pursued by outlaw motorcycle gangs. Organizations like the Hell's Angels and Bandidos have established their international presence by creating new chapters or by "patching over" local outlaw motorcycle gangs. Patching over means that the members of an existing gang are collectively granted membership status in an international biker organization (Barker, 2007).

There is some variation in the degree of cohesion between the associational structures in the country of origin and in the countries into which an association expands. In one extreme, the members in the new country are merely an outpost with no authority of their own to accept new members (Sciarrone & Storti, 2014; Varese, 2011). In the other extreme, new associational structures come into being that keep few if any ties to the original association. In the case of the mafiosi who migrated to the United States in the early part of the 20th century and became involved in the formation of the American Cosa Nostra, effectively a new, autonomous organization was created. By the 1930s, membership in the Sicilian Mafia no longer constituted a sufficient qualification for membership in its American counterpart (Critchley, 2009, p. 70). Another example is provided by Chinese triad members who migrated to the United States and created new triad-inspired organizations in the form of so-called tongs. While belonging to one triad subculture, these uniquely American associations were independent from any Chinese triad (Chin, 1990; McIlwain, 2004).

Transnational Quasi-Governmental Structures

The international expansion of organizations, such as the Italian mafia associations, has not only raised concern because of their sinister, secretive nature as criminal fraternities but also because they might be able to establish the same kind of territorial control in other countries and, indeed, on an international scale that they have exercised in their country of origin. In this respect, mafia organizations are not addressed as associational structures but as quasi-governmental structures. The controversial question is to what extent these structures, which historically are local and at best national in nature, can replicate their position of power in a transnational context.

Mafia Transplantation

Fears that Italian mafia-type organizations, such as the Sicilian Mafia, the Neapolitan Camorra, and the Calabrian 'Ndrangheta, or Russian Criminal groups, such as the Moscow-based Solntsevskaya (see Chapter 7), might colonize other countries have been a recurring theme for decades (see von Lampe, 2013). These fears are fueled by the historical precedent of the American Cosa Nostra. While not a transplantation in the narrow sense of the word, because the American Cosa Nostra is not simply an offspring of the Sicilian Mafia, the case of the American Cosa Nostra shows how migrating criminals with a background in illegal governance can replicate the kind of territorial control they had previously exercised in their country of origin (Critchley, 2009; Varese, 2011).

According to one view, quasi-governmental structures are unlikely to expand their territorial control across borders because of the specific sociopolitical context within which they have emerged (Gambetta, 1993, p. 251). According to another view, Federico Varese's property-right theory of mafia emergence, mafias are able to establish themselves in new territories provided two conditions coincide: (a) there is a demand for criminal protection as a result of the inability of the state to regulate newly emerging (legal or illegal) markets and (b) this demand for protection is not met by any domestic criminal organization (Varese, 2011). From the available evidence, it seems that the kind of mafia transplantation discussed by Varese is an exception and that quasi-governmental structures for the most part are unable to replicate themselves in other countries (Sciarrone & Storti, 2014).

One case study shedding light on this issue is an analysis of a Camorra clan that included some members who had relocated to Scotland and the Netherlands. Campana (2011) found that, while the clan provided illegal protection services at its home base in Italy in the form of, for example, protection against competitors and thieves, dispute settlement, and debt collection, there was no evidence that any such activities were carried out abroad.

In a related study, Varese (2011) investigated the presence of members and associates of the Solntsevskaia in Italy and Hungary. In the case of Italy, Varese found a picture similar to that described by Campana. Russian mafiosi residing in Italy aided members of Solntsevskaia in the laundering of money, but they made no attempt to establish any form of territorial control or to engage in any form of criminal protection in Italy (Varese, 2011, p. 81). In contrast, Varese argues that a successful transplantation of Solntsevskaia had taken place in Hungary in the 1990s, citing evidence that a group led by a Ukrainian-born businessman with "solid connections with the Solntsevskaia's leaders" extracted protection payments from criminals and owners of legitimate businesses (Varese, 2011, p. 92). From the evidence presented by Varese, however, it is not clear whether this can be attributed to Solntsevskaia as an organizational entity or whether it is more appropriately interpreted as the work of individuals and groups operating within the context of Hungary's transition economy. In the latter case, the example of criminals from the former Soviet Union operating in Hungary would better fit a more general pattern of multiethnic underworlds that appear to be characteristic of most if not all European countries. Criminals of particular ethnic and national backgrounds may achieve prominence in certain localities and certain illegal markets for certain periods of time independent from the migration or transplantation of criminal organizations.

Transnational Mafia Alliances

The notion of mafia transplantation (Varese, 2011) has to do with the replication of power structures on a local level. There is also concern that criminal organizations may expand their influence on a much grander, truly international scale. The scenario most often envisioned is that of a few powerful criminal organizations from different countries coming together to divide the world into exclusive spheres of interest, reminiscent of the power play of nation-states.

Famously, U.S. journalist Claire Sterling claimed that "a planetwide criminal consortium" consisting of "the Sicilian and American mafia, the Turkish arms-drugs mafia, the Russian mafia, the Chinese Triads, and the Japanese Yakuza" had declared a "pax mafiosa—an agreement to avoid conflict, devise common strategy, and work the planet peaceably together" (Sterling, 1994, pp. 14, 22–23). While Sterling did not go so far as to claim that representatives from all of these countries had actually come together at the same place at the same time (Sterling, 1994, p. 36), there are reports of meetings that have brought together criminals from different parts of the world. In early 1990, members of the Sicilian Mafia, the Camorra, the 'Ndrangheta, and criminals from Russia, Poland, and Colombia are said to have convened on the outskirts of Vienna, Austria, "to get to know another and to explore the feasibility of strategic alliances" (Robinson, 2000, p. 11). A meeting "on a yacht off Monte Carlo in July 1993" is said to have brought together Colombian, Russian, and Italian criminals with "Chinese Triad members, American La Cosa Nostra (LCN), and Israeli criminals" (Lupsha, 1996, p. 25). In November 1994, representatives of the New Yorker Gambino family of Cosa Nostra, of the Sun Yee On triad from Hong Kong, of Japanese yakuza groups, and of drug trafficking organizations from Medellin reportedly met in Beaune, France, to define territories for specific illegal activities and to accept Russian criminals into "the club" (Williams, 2002, p. 77; see also Robinson, 2000, p. 171). According to other sources, "the first known summit of Eastern and Western mafias" was held in Warsaw in March 1991 followed by a meeting in Prague in October 1992 and possibly another meeting in 1993 in Moscow (Freemantle, 1996, p. 50) or in Berlin (Jamieson, 2001, p. 381).

The vague and contradictory nature of the accounts about these alleged "mafia summits" does not necessarily mean that such meetings have not taken place. What is doubtful, however, is that any authoritative agreements could have been reached. As Williams (2002, p. 77) argues, "the participants are very unlikely to have the authority to speak for all Russian, Chinese, or even Italian organized crime." Robinson (2000, p. 170) seems to agree. If criminals should draw up a map of spheres of influence, he notes, "as soon as it's drawn, the map will be obsolete."

THE CYBERIZATION OF ORGANIZED CRIME AND THE ORGANIZATION OF CYBERCRIME

- ✓ Any discussion of transnational crime would be incomplete without a discussion of cybercrime. The global networking of computers and other electronic devices has led to new ways in which cross-border crime is carried out and in which transnational criminal structures are formed and shaped. This does not mean that cybercrime is always and inevitably transnational in nature. Many cybercriminal endeavors are confined to a national or even local context. Still, there is a unique quality in which borders are transcended by crime within cyberspace that requires particular attention. Cybercrime also needs to be considered in a more general sense in a discussion of organized crime. There is a debate on

whether there is a trend toward a “cyberization” of organized crime and an increasing “organization” of cybercrime. These issues will also be briefly addressed in this section.

The Concept of Cybercrime

Cybercrime is a term that is about as vague and contested as the concept of organized crime. It refers to criminal activities in connection with information technology infrastructures, namely, the Internet (Finklea & Theohary, 2013, p. 6).

Cybercrimes encompass diverse types of criminal behavior, namely, attacks on the integrity and availability of information technology that in turn may be used for various predatory crimes, such as fraud, forgery, theft, and extortion. Cyberspace is also a market place for all kinds of illegal commodities, such as drugs or pirated videos (see Broadhurst et al., 2013, p. 8; Finklea & Theohary, 2013, p. 15).

A differentiation is commonly made between offenses *enabled* by information technology and offenses *enhanced* by information technology (Choo, 2008, p. 283). This distinction pertains, on the one hand, to cybercrimes that are specific to cyberspace, such as the theft of electronic currency, and on the other hand, traditional crimes that are merely facilitated by the use of modern information technology, such as the distribution of child pornography over the Internet (Broadhurst et al., 2013, p. 25; Finklea & Theohary, 2013, p. 1).

A distinction is also often made with respect to role technology plays in the commission of crime. In some instances, information technology is the *target* of crime, while in others information technology is the *means* by which crimes are committed (Broadhurst et al., 2013, p. 8; Choo, 2008, p. 283; Finklea & Theohary, 2013, p. 3; McGuire, 2012, p. 12).

Finally, there is variation in the degree to which a crime involves online and offline activity. In one extreme, the entire crime takes place in cyberspace—for example, when hackers obtain passwords to online games and steal virtual valuables, such as gold, weapons, and armor that they then resell through online auction sites (McGuire, 2012, p. 31). In the other extreme, information technology is incidentally used in furtherance of criminal events in the real world (Broadhurst et al., 2013, p. 8). For example, illegal goods such as drugs may be marketed through the Internet and through the so-called Dark Net, a part of the Internet based on encryption that enables communication and web browsing without revealing the identity and physical location of the users (Martin, 2014a; Martin, 2014b; Phelps & Watt, 2014).

The Organization of Cybercriminals

Cyberspace is believed to be attractive for criminals because of the perceived anonymity and the borderless nature of the Internet, enabling them to exploit crime opportunities across great geographical distances in relative safety from law-enforcement intervention (Finklea & Theohary, 2013, p. 1).

Whereas originally cybercrime was believed to be the domain of technically highly skilled offenders, more recently a “deskilling process” (McGuire, 2012, p. 21) has been observed. Tools have become available that enable criminals with little to no IT skills to commit cybercrimes (Samani & Paget, 2013).

Classifications of Criminal Structures in Cyberspace

Cybercrime is not necessarily organized in the sense that it involves the collaboration of several offenders. In fact, research drawing on law-enforcement data tends to show a majority of cases involving individual, independently acting criminals; although there is some doubt that these data provide an accurate picture of the actual situation (Broadhurst et al., 2013, p. 19; Lu, Jen, Chang, Weiping, & Chou, 2006, p. 3; see also Hutchings, 2014).

While cybercrime can be the work of lone offenders, criminal structures do a role in cyberspace. Just like cybercrime as an activity, criminal structures involved in cybercrime vary by the degree to which they are rooted and present in cyberspace. Some criminal structures are centered on activities and interactions in cyberspace—for example, criminal groups exclusively engaged in online fraud, such as the sale of nonexistent goods. For other criminal structures, the use of cyberspace is only rather marginal—for example, when Mexican criminal gangs like Los Zetas post video messages on the Internet (Corcoran, 2013, p. 322).

McGuire (2012, pp. 21–23) distinguishes three basic types of criminal groups with a presence in cyberspace:

- Type I groups that operate essentially online
- Type II groups that combine online and offline offending
- Type III groups that operate mainly offline but use online technology to facilitate their offline activities

There are also differences in the way cyberspace is used. Some criminal structures use information technology in furtherance of criminal endeavors; others use information technology, namely, digital encryption, for the purpose of internal communication.

Finally, an important distinction has to be made between criminal structures that originate in real life versus those criminal structures that emerge in cyberspace, involving individuals who may never have met face-to-face in the real world. There has been some debate about the extent to which existing criminal organizations have moved into cybercrime and to what extent criminal structures in cyberspace resemble criminal structures in the real world. Much of this debate is highly speculative and suffers from conceptual confusion (McCusker, 2006). A main problem is that the crucial analytical distinction between entrepreneurial, associational, and quasi-governmental structures is seldom made.

Entrepreneurial Criminal Structures in Cyberspace

Entrepreneurial criminal structures are patterns of relationships centered on obtaining financial or other material benefits either through market-based crime or through predatory crime (Chapter 6). In cyberspace just as in the real world,

entrepreneurial criminal structures can exist in the form of markets, networks, or organizations (illegal firms).

Illegal firms active in cyberspace, from what is known, tend to exist in the form of individual entrepreneurs, partnerships, and small groups, with a low degree of vertical and horizontal integration (Holt, 2013, p. 156). Insofar, there do not seem to be any fundamental differences to the nature of illegal enterprises in the real world—for example, in the areas of drug trafficking or human trafficking (Chapter 6).

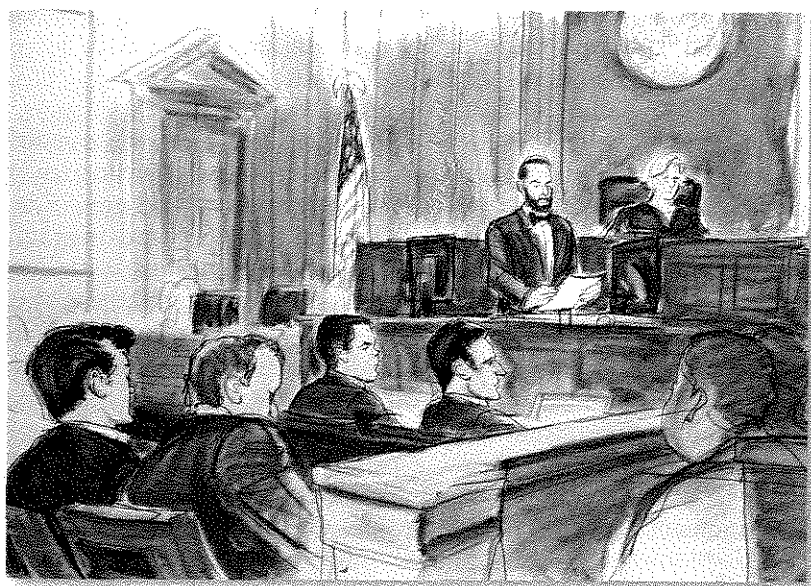


Image 12.8 In this sketch, a courtroom deputy reads the jury's verdict against Ross William Ulbricht, far left, on February 4, 2015, in New York. Ulbricht was convicted on charges he created the multimillion-dollar Silk Road marketplace for illegal drugs and other contraband on the Internet by adopting the alias Dread Pirate Roberts and promising buyers and sellers anonymity through use of encryption and bitcoins.

Photo: ASSOCIATED PRESS/Elizabeth Williams

What appears to be the main difference between cyberspace and the real world with respect to the organization of crime is how these individual criminals and criminal groups are connected. In the real world, individuals and smaller organizational units tend to be embedded in larger networks of criminally exploitable ties, where interacting criminals are linked to each other by underlying bonds of trust. In cyberspace, not networks but markets appear to be the predominant coordinating mechanism. This is true in particular in the core area of cybercrime where vulnerabilities of the information technology infrastructure are exploited for profit (Holt, 2013; Holt & Lampke, 2010;

Samani & Paget, 2013). Instead of cooperating with trusted accomplices in the commission of crime, highly specialized criminals offer their products or services essentially to anyone willing to pay the requested price. A common mode of payment is through the peer-to-peer currency Bitcoin (Phelps & Watt, 2014, p. 236). Items on sale online include all the separate components that make up complex cybercriminal endeavors—for example, stolen credit card data and malware, such as viruses and trojans. Certain products can also be rented, for example, botnets (networks of infected, remotely controlled computers) for the purpose of distributing phishing mails (Broadhurst et al., 2013, p. 41). Services offered online also include the so-called “bulletproof” hosting of illegal websites or the withdrawal of funds from compromised bank accounts (Holt, 2013; Samani & Paget, 2013).

The prototypical criminal endeavor in cyberspace involves independently operating criminals who perform interlocking tasks but who are coordinated by no other mechanism than one-off Internet-based exchanges between buyers and sellers of goods or services. For example, a programmer may sell malware that is used to create botnets. One of the botnets set up with the purchased malware, in turn, may be rented out to someone sending phishing mails that direct victims to fraudulent websites hosted by a complicit bulletproof hosting provider. The websites may entice victims to disclose their online banking information. This information is then sold individually or in bulk to buyers, who may draw on the services of yet others to withdraw and transfer funds from the compromised bank accounts. Cybercrime that at first glance looks like the work of a well-functioning complex criminal organization of global expansion is in all likelihood the outcome of the interplay of numerous criminals linked through contractual relations and with no mutual commitment beyond specific transactions (Holt, 2013, p. 156).

Trust only plays a role from the perspective of buyers who are at risk of paying for goods and services they never receive or that are of inferior quality. This risk is minimized by the ability of buyers to publically share their experiences, either through online postings or through online rating systems, and by the use of escrow services. In contrast, sellers of illegal goods and services in cyberspace seem to have little concern for the trustworthiness of their customers, given that they can wait with the delivery of the product until the customer has paid (Martin, 2014a).

What enables the effective coordinated interaction of numerous cybercriminals, even on a global scale, are online forums that function as offender convergence settings (Soudijn & Zegers, 2012; Chapter 5). Online forums are websites where individuals can post messages to advertise goods and services and to exchange information and opinions (Holt & Lampke, 2010, p. 35). Negotiations between seller and buyer and actual transactions, for example, of stolen credit card data, typically take place via private messaging systems (Holt, 2013, p. 156).

Some forums require users to first create a user account with username and password. This does not restrict access, but it makes the forum more difficult for the general public to identify, because search engines cannot log or index the content. Some forums are accessible by invitation only so that the general public is effectively excluded (Holt, 2013, p. 159).

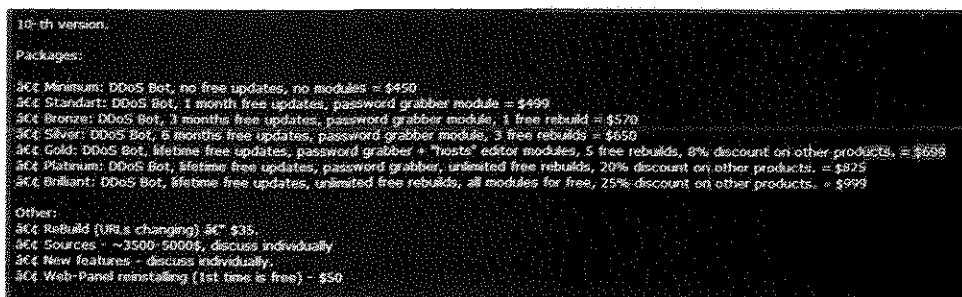


Image 12.9 An online offer for various botnet services documented in Samani and Paget (2013, p. 11). The authors note that this example “illustrates the cost of renting a botnet and the flexible options available . . . to suit any budget.”

Photo: Samani & Paget

Associational Criminal Structures in Cyberspace

Online forums serve economic functions as marketplaces for the exchange of illegal goods and services. But they also serve important noneconomic, social functions. Online forums are a key mechanism by which associational criminal structures develop in cyberspace.

As pointed out in Chapter 7, associational criminal structures facilitate contacts between criminals; they give status, reinforce deviant values, and provide an arena for the exchange of criminally relevant information. In online discussions, feedback posts and forum-based rating systems, users of online forums collectively establish and reinforce subcultural norms and values that define how cybercriminals generally or in specific areas of crime should behave (Holt et al., 2010, p. 4). For example, in forums for the exchange of stolen banking data, emphasis is placed on such things as timely delivery and quick response to customer complaints (Holt & Lampke, 2010, p. 44).

Online forums also lead to a differentiation in the status of individual cybercriminals. Their reputation and standing is influenced by the feedback they receive on past transactions or, for example, by the number of posts they have created in a forum (Holt, 2013, p. 166). Invitation-only forums resemble clearly delineable criminal associations through formal membership. They may also be selective in the recruitment of new members. Insofar, they show similarities to criminal associations such as the Sicilian Mafia. However, while Mafiosi engage in a broad range of criminal activities, online forums tend to confine their membership to offenders specializing in a narrow area of crime. The website Dark Market, for example, through which stolen bank account and credit card information was sold, had more than 2,500 members who had to prove their ability to provide usable credit card information and had to go through a nomination and vetting process (Broadhurst et al., 2013, p. 40). In the case of the Wonderland site for the distribution of child pornography, prospective members had to be willing and able to share at least 10,000 images, they had to be sponsored by an

existing member, and they had to be vetted by a membership committee (Broadhurst et al., 2013, p. 39).

Quasi-Governmental Structures in Cyberspace

Among criminals in the physical world, there is a tendency for quasi-governmental structures to emerge. A criminal group such as a Cosa Nostra family establishes itself as an underworld government and sets and enforces rules, which creates some sense of order. In cyberspace there are also some forms of self-regulation and governance among criminals. However, an important element is missing in cyberspace. Underworld governments in the real world rely to some extent on the threat and use of violence (Chapter 8). This is an option cybercriminals simply do not have, because in most cases they do not know the true identity and physical whereabouts of other cybercriminals (Lusthaus, 2013).

Illegal governance in cyberspace is confined to online forums, more specifically the regulation of activities within a particular forum. The governance function is performed by individuals called administrators or moderators who have the power to change and remove content and to ban users from a forum. Forum administrators may regulate market transactions as well as the communication between forum users (Holt, 2013; Holt & Lampke, 2010).

Market regulation can extend to a number of different aspects of illegal online trading within a forum, namely the following three:

- Market entry
- Range of products
- Modes of transaction

Administrators can make decisions on who may sell or buy goods and services in a given forum. This is obvious in invitation-only forums, but administrators can also remove users from open forums and forums that are open to registered users. A typical scenario is the ban of sellers who “rip off” customers (Holt, 2013, p. 156). Forum administrators may also regulate the types of goods and services that can be offered in a forum. The administrators of the Dark Market website, for example, did not tolerate any activity relating to drugs and child pornography (Broadhurst et al., 2013, p. 40). Finally, the way products are advertised and sold may be regulated by forum administrators. In one forum, for example, sellers had to post complete lists of their goods and prices, and vendors were not allowed to use intermediaries (Holt, 2013, p. 165). Administrators may also guarantee transactions and provide escrow services to prevent fraud among users, or they may offer dispute resolution services (Broadhurst et al., 2013, p. 40; Lusthaus, 2013, p. 55). Interestingly, the governance function appears to be performed by less than a handful of administrators per forum (Holt, 2013). The Dark Market website with its some 2,500 users was reportedly run by a maximum of four administrators at any time (Broadhurst et al., 2013, p. 40).

Entry of Traditional Organized Crime Groups Into Cyberspace

According to a frequently made claim, there is a trend toward an increasing use of cyberspace by conventional criminal groups (see Broadhurst et al., 2013, p. 19). From what is known, however, it seems that the realms of organized crime in the real world and of crime in cyberspace are largely two separate spheres. It also seems that the cyberization of real-world organized crime is limited and lags behind the cyberization of society at large. This should not come as a surprise, given the fundamental differences between offline and online environments in terms of human interaction and the importance of physical violence.

There also appears to be a general reluctance on the part of conventional criminals to embrace new technological developments that hold the potential for more extensive and more effective police surveillance, such as smartphones and the Internet (McGuire, 2012, p. 37). Otherwise there would have to be more convincing examples of conventional criminal groups involved in cybercrime than the few that have appeared in the pertinent literature. One case described by Leukfeldt (2014) in some detail involves a group engaged in phishing attacks against customers of two Dutch banks. The group members came from the same immigrant neighborhood in Amsterdam, all had prior criminal records, and according to police sources, they also “were likely to be acquainted within the criminal underworld of Amsterdam” (Leukfeldt, 2014, p. 236). However, it is not clear if these individuals moved into phishing as a group or only formed a group in the process of committing cybercrimes.

There are also reports of conventional criminal groups extorting gambling and pornography websites by the threat of denial-of-service attacks (Choo, 2008, p. 275), and there are reports of members of the American Cosa Nostra using offshore gambling websites as logistical components of illegal gambling operations within the United States (Broadhurst et al., 2013, p. 26; McGuire, 2012, p. 57). A widely repeated claim, originally made in 2006, that criminal organizations have recruited IT specialists, has not been corroborated in more recent research (McGuire, 2012, p. 20). The only such case that has been publicized is that of a young computer programmer who, in 2010, was allegedly coerced to work for Mexican drug traffickers (McGuire, 2012, p. 57).

TRANSNATIONAL ORGANIZED CRIME AND ORGANIZED CYBERCRIME: SUMMARY AND CONCLUSION

This chapter has examined the international ramifications of organized crime in the sense of criminal activities, criminal structures, and illegal governance that transcend international borders. Transnational criminal activities are shaped by the opportunities and constraints that are constituted by international borders, by differences between countries, and by the special links that connect certain countries. Borders themselves can create opportunities for transnational crime in that the need for cross-border law enforcement cooperation may hamper criminal investigations. At the same time, borders continue to constitute a significant obstacle for transnational crime. Globalization notwithstanding, there seems to be a tendency to reinforce borders to make them less penetrable for illegal migrants, terrorists, and transnational criminals. It is problematic, therefore, to speak of an increasingly “borderless world.”

Cross-national differences, “criminogenic asymmetries” (Passas, 1998), create opportunities and incentives for transnational crime. For example, differences in the legality or the price of commodities can fuel smuggling, and socioeconomic differences may be at the root of such phenomena as cross-border predatory crimes, human smuggling, and human trafficking. Differences in the intensity of law enforcement between strong states and weak states can also account for variations in the prevalence of transnational crime. At the same time, cultural and language differences between countries can limit the ability of criminals to exploit transnational crime opportunities.

Much depends on the cross-border mobility and cross-border networking of criminals that can be enhanced by three types of links between countries: geographical proximity, social proximity, and the legal flow of goods and persons. Geographical proximity means that criminals have to cover only short distances, namely, between neighboring countries, to exploit transnational opportunities for crime. Social proximity exists where great geographical distances are bridged by close social ties that criminals can use to their advantage. Transnational crime is also facilitated where it can be embedded in established routes of legal trade and tourist travel. All of these factors need to be considered in the analysis of the diverse patterns of transnational criminal activities.

The criminals who exploit transnational crime opportunities may act individually or as part of transnational criminal structures. There are many ways in which a criminal structure can be transnational. The stereotypical imagery is that of criminal organizations that operate transnationally or expand across borders by establishing branches in other countries. Some examples of these kinds of transnational illegal firms have been highlighted, namely, the Cali Cartel and the so-called Kozsolin gang. In the grand picture of transnational crime, however, these integrated structures seem to be exceptions to the rule of smaller, less integrated enterprises. More typical appear to be locally based individuals and small groups that cooperate with each other across international borders within broader transnational networks of criminally exploitable ties.

Associational criminal structures can play a role in providing a basis of trust between transnationally operating criminals. Italian mafia organizations, Chinese triads, and outlaw motorcycle gangs are examples of criminals associations with members and even entire organizational units based in different countries. However, it seems safe to assume that these criminal fraternities account for only a relatively small share of the transnational networking of criminals. Social network ties that stretch across borders as a consequence of migration or relations established in the context of international tourism and trade are in all likelihood far more important for the formation of criminally exploitable ties on an international scale than all criminal associations combined.

Similarly, there are only very few cases of a transnational expansion of quasi-governmental structures. And international alliances between powerful criminal organizations appear to have been short-lived, if they have ever existed to begin with.

Overall, transnational organized crime seems to be driven far more by the transnational mobility and networking of individual criminals and small groups than by criminal organizations that purposefully expand their areas of operation and spheres of influence.

The Internet and other transnational IT infrastructures have created a new sphere for the commission of cross-border crimes and the formation of criminal structures across borders. Cyberspace has become the arena for a broad range of criminal

activities, some of which are merely digital versions of conventional crimes, such as 419 frauds; others exploit opportunities specific to cyberspace. These cybercrimes in the narrow sense of the word can be complex, involving numerous interlocking schemes. In contrast, the degree of organization of cybercriminals appears to be rather low. Independently operating criminals and small criminal groups that specialize, respectively, in the supply of a particular tool or service contribute to complex criminal schemes without belonging to overarching criminal organizations. Instead, the participants interact as partners of market-based transactions with online forums serving as virtual market places. Illegal online markets enable a broad range of criminals to commit cybercrimes, even if they do not have sophisticated technical skills. This is a potential entry gate for conventional criminals who may lack technical skills and may also be adverse to the use of technology that may well increase the capacity of the police to detect and monitor criminal conduct. Conventional criminals as customers of cybercriminals appear to be the most likely scenario for a cyberization of organized crime. In contrast, the violent skills of conventional criminals have no value in a cyber environment.

Illegal power structures in cyberspace follow a different logic. They are technology based and confined to the regulation and policing of individual forums by the respective forum administrators. While in the international sphere and in cyberspace, criminals address the same functional needs as criminals on a local or national level, the resulting structures (entrepreneurial, associational, and quasi-governmental structures) take on specific forms and differ in their relative importance. Entrepreneurial structures that center on profit-making criminal activities are the most pervasive form of criminal organization. Associational criminal structures extend from the local to the international level and take on unique forms in cyberspace with the emergence of online subcultures and communities of cybercriminals.

Quasi-governmental structures are largely local in nature, with little impact on transnational crime. In cyberspace, illegal governance exists confined to individual online forums, exercised by small numbers of forum administrators.

Overall, it is important to recognize the similarities as well as the differences between the various spheres within which the organization of crimes and criminals takes place: local settings, nation-states, the international arena, the real world, and cyberspace; each context has its own dynamics and contingencies in shaping the incentives and opportunities for criminals to engage in illegal activities, to form criminal structures, and to exercise illegal governance.

Discussion Questions

1. What is the primary motive for organized criminals to cross international borders?
2. Assuming that organized criminals move into cyberspace, what is their primary motive for doing so?
3. What is the lesser evil: crime being dominated by domestic criminals or by transnational criminals?
4. What is the worst-case scenario for the future development of transnational organized crime?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to international ramifications.
2. Find media reports of a case of transnational organized crime and find out what kind of cross-border movement has taken place (persons, goods, information)?

Further Reading

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NOTE

Parts of this chapter have been adopted from the following publications: Klaus von Lampe (2011c). Re-conceptualizing transnational organized crime: Offenders as problem solvers. *International Journal of Security and Terrorism*, 2(1), 1–23; Klaus von Lampe (2012a). The practice of transnational organized crime. In F. Allum & S. Gilmour (Eds.), *Routledge handbook of transnational organized crime* (pp. 186–200). London, UK: Routledge; Klaus von Lampe (2014). Transnational organized crime in Europe. In J. Albanese & P. Reichel (Eds.), *Transnational organized crime: An overview from six continents* (pp. 75–92). Thousand Oaks, CA: Sage.

PART IV



The Big Picture and the Arsenal of Countermeasures

INTRODUCTION TO PART IV

The previous four chapters have dealt with the broader context and the international ramifications of organized crime. In this last part of the book, the subject of organized crime will be addressed comprehensively. Chapter 13 integrates the various facets of the organized crime problem into an overall comprehensive framework and explores to what extent these facets are indeed interconnected. Chapter 14 provides a systematic overview of the countermeasures that have been devised to respond to the phenomena that are variously labelled organized crime.

CHAPTER 13



The Big Picture of Organized Crime

INTRODUCTION

The purpose of this chapter is twofold. First the various elements of the elusive concept of organized crime that have been separately addressed in the previous chapters will be brought together into one big picture, although this big picture inevitably has to remain vague, fragmentary, and somewhat contradictory. Second, a few details will be added to aspects that have received only scant attention so far, namely, individual characteristics of organized criminals.

What is the big picture of organized crime? This book rests on the notion that organized crime is not a clearly delineable, coherent phenomenon. While the phenomena that are variously labeled organized crime are quite real, some exaggerations, mystifications, and distortions notwithstanding, organized crime *as such* is not something that is tangible, nothing that could be observed or measured. Organized crime is a construct, an umbrella term for various facets of the reality of crime. Painting the big picture of organized crime, therefore, does not mean a summary description in the form of a situation report that enumerates certain crimes, criminal groups, and the like. The big picture of organized crime has to be analytical rather than descriptive and abstract rather than concrete. Painting the big picture of organized crime along these lines means demarcating in general terms the range of the kinds of phenomena that fall under the umbrella term of organized crime, highlighting their variations and pondering to what extent they are inherently connected.

THE RANGE OF PHENOMENA THAT FALL UNDER THE UMBRELLA CONCEPT OF ORGANIZED CRIME

The different conceptions of organized crime, as has been emphasized throughout this book are, for the most part, centered on three basic dimensions: the organization of crime, the organization of criminals, and the exercise of illegal governance. When organized crime is conceptualized as crime that is organized,

then organized crime falls somewhere on a continuum between simple, spontaneous, impulsive crimes on one side and complex, continuous, well-planned criminal operations on the other. When organized crime is equated with the organization of criminals, then organized crime is located somewhere on a continuum from lone, socially isolated offenders to large, complex criminal organizations. When organized crime, finally, is equated with illegal governance, then organized crime is positioned somewhere on a continuum between a situation where criminals and criminal groups are anarchically going about committing crimes in pursuit of their own interests and a situation where the conduct of criminals in a given territory is regulated, with rules being set and enforced by a criminal organization that functions as an underworld government.

There are other dimensions along which conceptions of organized crime vary, namely, with respect to the social embeddedness of organized crime and with respect to the nexus between illegal and legal structures. The social embeddedness of organized crime is sometimes seen as a matter of criminal groups rooted in marginalized subcultures or based in foreign countries, and sometimes organized crime is seen as an integral facet of the social fabric and encompassing all layers of society. Viewed as a matter of the nexus between legal and illegal spheres, organized crime manifests itself on a continuum from a situation where criminals stay below the radar of law enforcement and invest all efforts into avoiding public attention to a situation where criminals have entered into alliances with political, business, and social elites, where criminal organizations replace legitimate government, or where government itself functions as a criminal organization.

Another dimension of the concept of organized crime that may well be of crucial importance but has received only little attention in this book and in the academic literature in general is the individual organized criminal (Aniskiewicz, 2012; von Lampe, 2006c). Approaches aiming at explaining organized crime by the structure of criminal organizations, be they networks or organizations in the narrow sense of the word, tend to underestimate the importance of individual skills and characteristics for the creation and shaping of criminal structures. To paraphrase a popular motto (see Coles, 2001), it may not be who you are but who you know that counts in organized crime; but who you know may depend to a considerable degree on who you are and what social skills you have. It is who you are that may decide whether or not you get to know the people you need to know to be a successful, networked criminal (von Lampe, 2008c, p. 23; see also Morselli & Tremblay, 2004; Robins, 2009). In the absence of systematic research on the individual characteristics of organized criminals, conceptions of organized crime currently tend to vary along a continuum from “ordinary” offenders that do not stand out in any way from mainstream society to stereotypical gangsters that are ruthless, violence-prone individuals from the marginalized segments of society.

Narrow Conceptions of Organized Crime

A lot of energy has been devoted to debating which dimensions (activity, structure, governance, illegal-legal nexus, individual) are defining features of

organized crime and where exactly the line has to be drawn between organized crime and non-organized crime. This “endless scholarly debate about the essence of organized crime,” Petrus van Duyne has noted, “resembles the hairsplitting of learned monks, disputing the pure idea of ‘horseness,’ ‘greenness,’ or ‘virtue’” (van Duyne, 2003, p. 24).

Focus on Partial Aspects

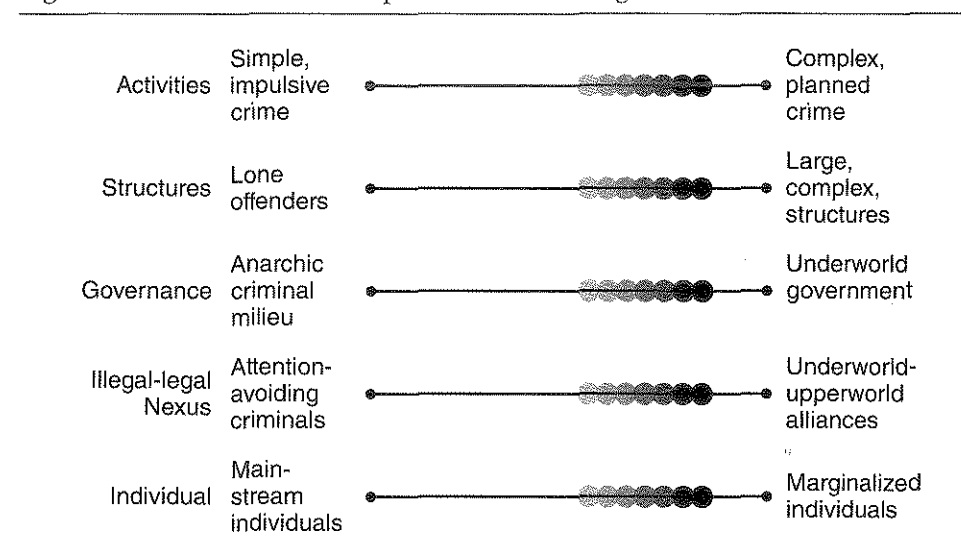
Some have argued that attention should be focused on one particular aspect—for example, on the entrepreneurial activities of criminals as part of an overall “criminal trade” (Van Duyne, 2003, p. 43) or on illegal governance—the supply of protection (Varese, 2011). The advantage of narrowing down the scope of analysis in such a way is that a clear and coherent conceptual framework can be applied to precisely definable phenomena. At the same time, however, other aspects that have raised concerns under the rubric of organized crime would have to be neglected. For example, viewing organized crime solely through the lens of illegal governance means that most criminal activities with their dynamics and logistics, including such high profile crimes as drug trafficking and human trafficking, are effectively ignored. The exclusive focus on illegal governance also means that illegal associational structures receive attention only if they are also performing quasi-governmental functions.

Focus on Extreme Cases

Another way of narrowing down the scope of the concept of organized crime has been to confine organized crime to extreme cases positioned at the far end of the continuum across all dimensions (see Figure 13.1a). According to this view, organized crime is synonymous with complex criminal organizations that employ violence and corruption and are three things at once: criminal enterprises engaged in a host of profit-making crimes; criminal associations with formal, restricted membership; and underworld governments (see Abadinsky, 2013; Cressey, 1969; Finckenauer, 2005; Hagan, 2006). This view is heavily fixated on specific historical cases that are deemed to be quintessential representations of organized crime, namely the American and Sicilian Mafia. There are two problems with this perspective, however. The first problem is that it rests on a somewhat oversimplified perception of mafia organizations. Characterizing them as simultaneously being illegal enterprises, criminal associations, and underworld governments makes sense only if the criminal endeavors of individual members are conflated with what mafia organizations as organizational entities do, given that mafia organizations typically are not criminal enterprises that carry out profit-making crimes. The only crime a mafia organization as such, with its hierarchical, formalized structure, is normally engaged in on a continuous basis is the illegal supply of protection (Gambetta, 1993).

The second problem with equating organized crime with extreme, more or less hypothetical cases of criminal organizations is that it rests on a static, one-dimensional conception of the pertinent phenomena. The implicit or explicit assumption is that there is little variation among cases of organized crime and that there is only one trajectory in the development from non-organized crime

Figure 13.1a Narrow Conceptualizations of Organized Crime

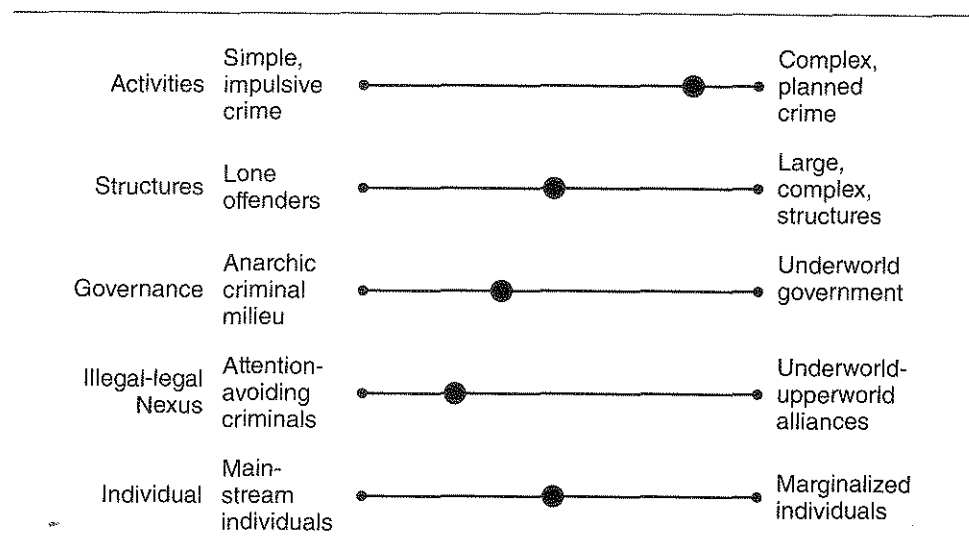


Conceptualizations of organized crime vary with respect to the dimensions that are encompassed and with respect to where along these dimensions the dividing line between organized crime and non-organized crime is drawn. Narrow conceptions position organized crime at the extreme ends, especially of the dimensions of activities, structures, governance, and illegal-legal nexus.

to organized crime with an organization like the American or Sicilian Mafia constituting the natural endpoint in the process of the organization of crime and criminals. This view neglects other constellations and developmental dynamics without involvement of mafia-like organizations, for example, cases where illegal markets flourish without a formalized illegal governance structure and without criminals being connected through membership in criminal fraternities (see Figure 13.1b). There are several reasons why these latter constellations should not be ignored in the study of organized crime. First, these constellations without mafia involvement are often subsumed to organized crime, especially in countries with no indigenous mafia problem. Second, these constellations that do not fit the imagery of stereotypical criminal organizations may well pose similar or even more substantial threats to society than, for example, the Sicilian Mafia. Third and most importantly, narrowing down attention to particular historical cases not only means that other phenomena are arbitrarily excluded from the big picture of organized crime, but it also means that efforts to better understand how and why crimes and criminals are organized are severely hampered.

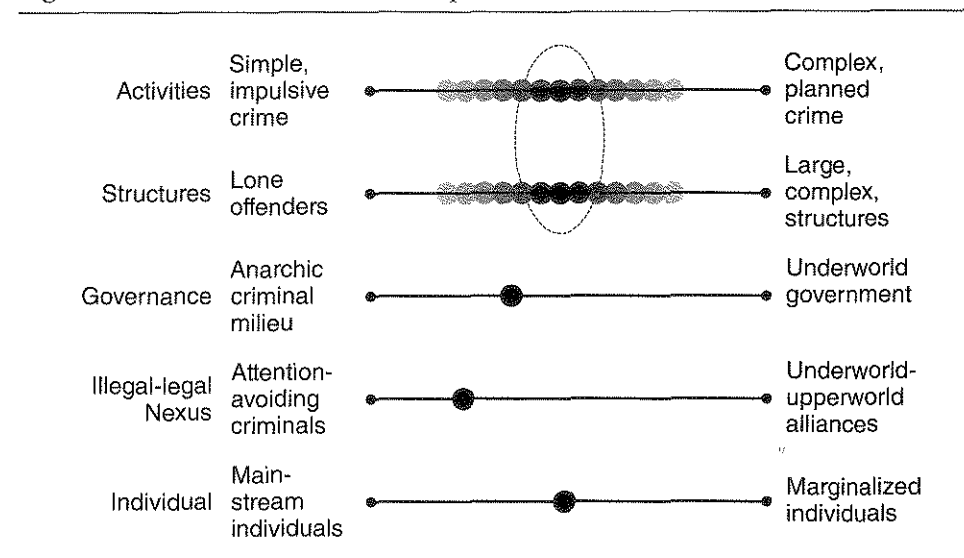
The Analytical Approach to Conceptualizing Organized Crime

Progress in the social sciences relies a lot on the comparison of cases that vary across key dimensions. Limiting observation to a few extreme cases that are highly similar would be counterproductive. Instead it is much more fruitful from

Figure 13.1b Constellations Not Captured by Narrow Conceptions of Organized Crime

Narrow conceptions of organized crime as depicted in Figure 13.1a do not capture numerous constellations that according to other, broader conceptions fall squarely within the scope of organized crime. Figure 13.1b depicts a constellation that can be considered typical for the situation in Western Europe where complex criminal endeavors are carried out by individuals, partnerships, and small groups in shifting alliances within larger networks of criminally exploitable ties and little influence on legitimate government (von Lampe, 2008c).

an analytical perspective to place the emphasis on the fluidity and diversity of the constellations in which the various attributes commonly ascribed to organized crime manifest themselves and to see what patterns exist (see Figure 13.1c). For example, it is important to know under what circumstances the coordination of criminals occurs in a market setting between autonomous actors, as in the case of some cybercrime, in a network setting, which seems to be the normal case in most areas of crime, or within integrated criminal organizations, such as in the cases of the Larry Lavin enterprise or the Cali Cartel. Translated to the five dimensions mentioned above, the task is to examine, for example, what positions along the continuum from lone offender to criminal organization correspond to what kinds of activities, illegal governance, illegal-legal nexus, and individuals. The underlying rationale is the assumption that there is not one evolutionary path for organized crime but different evolutionary paths depending on the circumstances. Each path could be thought of as the best adaptation to a particular setting defined by crime opportunities, available resources for exploiting these opportunities, such as individual skills of offenders, and restraints, such as the direction and intensity of law enforcement pressure (Ekblom, 2003; Smith, 1994; Southerland & Potter, 1993). The diversity of phenomena and scenarios that are addressed in the debate on organized crime and that have been reviewed in this book may, in fact, not be so much a matter

Figure 13.1c Focus on the Interdependencies of Factors

A broader conceptual frame of reference shifts the focus from the question, *is it organized crime?* to the question, *what patterns in the organization of crime and criminals exist and what interdependencies and causal relations (e.g., between the nature of a crime and the nature of the criminal structures committing the crime) account for the emergence and the change of these patterns?*

of conceptual ambiguity and confusion but a reflection of the various directions the organization of crimes and criminals can take.

In order to capture these complexities, it is necessary to first go back to the basic dimensions of organized crime and to recapitulate for each dimension the range and variations of phenomena that may come into play and to highlight from different vantage points the interdependencies that appear to exist.

Variations in the Organization of Crime and Their Influence on Other Aspects of Organized Crime

For those who equate organized crime with crime that is organized, criminal activities are part of the big picture to the extent they are organized as opposed to disorganized. Criminal activities are organized to different degrees. They vary in terms of duration, complexity, and rationality. Some crimes are impulsive, on-the-spot acts that are committed in the heat of passion. Some crimes are likewise one-off endeavors, but they are the result of careful planning, falling into the category of project crimes (McIntosh, 1975), such as the 2003 Antwerp Diamond Heist that after years of preparation netted an estimated 100 to 400 million Euros worth of diamonds, jewelry, and gold (Selby & Campbell, 2010). Other criminal activities, such as illegal gambling, drug trafficking, or serial burglary, are carried out on a continuous basis. Some continuous criminal activities are simple in nature, others more sophisticated, well planned, and combining different tasks with different skill requirements, similar to one-off project crimes.

When one defines organized crime in terms of the organization of crime, it is difficult to fit all types of criminal activities into the big picture of organized crime, because some crimes simply are not organized by any measure. When, however, organized crime is linked to the organization of criminals, even the most impulsive spur-of-the-moment crimes have their place in the big picture of organized crime, provided they are committed by members of criminal organizations. And this is not an uncommon occurrence. Criminal associations such as the American Cosa Nostra, Sicilian Mafia, Chinese triads, or Japanese yakuza groups, through their selective recruitment practices, may tend to attract the more level-headed, sober-minded criminals, and their rules and procedures for nonviolent conflict resolution may reduce the likelihood of spontaneous outbreaks of violence. Yet, the big picture would be incomplete without all the disorganized violent and nonviolent, serious and petty crimes committed by the members of these criminal organizations (see, e.g., Pistone, 1989).

Direct Links Between the Nature of Criminal Activities and the Nature of Criminal Structures. From an analytical perspective, it is important to consider the full range of criminal activities and to include all variations of criminal activities because they may matter in the complex interplay of crimes, criminals, criminal structures, and society. For example, there are at least three direct links discernible between the nature of criminal activities and the emergence and nature of criminal structures. There is the apparent correlation between the scale of a criminal activity—for example, the volume of contraband in a smuggling scheme—and the size and diversity of co-offending structures. Simply put, the more there is to do, the more co-offenders are involved; and the larger the number of co-offenders, the less likely it is that they can all be recruited from the same homogeneous, close-knit pool of people.

There are also indications that with the increasing complexity of a criminal activity, the likelihood increases that this activity will be carried out by complex offender structures, characterized by a division of labor between different criminals with different skills and by some coordination mechanism such as a centralized chain of command (Cornish & Clarke, 2002, p. 54). In a classical numbers lottery operation, for example, there is a hierarchy of authority and a division of labor between those collecting the bets, which primarily requires social skills, those processing the bets and computing the payouts, which primarily requires book-keeping skills, and those financing the operation and bearing overall responsibility, which requires entrepreneurial resources including capital.

The third salient link between the nature of criminal activities and the nature of offender structures exists with respect to the degree of interdependence between different steps in a crime script. The different phases in the production of cocaine, for example, are largely independent from each other. How coca is cultivated has little impact on the way the coca leaves are processed, and the method chosen for producing coca paste (acid extraction or solvent extraction technique) has no influence on the way coca paste is turned into cocaine base and, in turn, cocaine base is turned into cocaine hydrochloride. Accordingly, the process of producing cocaine does not require the coordination of tasks within an all-encompassing vertically integrated firm. Each intermediate product, from coca leaves to coca base, can be produced by independent actors and put

on the market for sale to anyone specializing in the respective next step in the production process. In contrast, in the case of stolen motor vehicles, the phases in the typical crime script are *interdependent* to a relatively high degree. The type of car that is stolen and the method of stealing influence what kind of techniques and what kind of resources are needed to alter the identity of the car. For example, if the car is stolen by breaking a window and destroying the steering-wheel lock, then these parts have to be replaced with parts that fit the particular make and model of the stolen car. Likewise, the choice of car that is stolen is influenced by consumer preferences. This means that overall efficiency can be increased when the phases of theft, alteration of identity, and marketing of a car are all coordinated by one vertically integrated firm specializing in certain makes and models. The case described in Chapter 12 of the complex transnational criminal organization involved in the trafficking of stolen motor vehicles between Western Europe and Lithuania (von der Lage, 2003) is one example for such an integrated illegal enterprise.

Indirect Links Between the Nature of Criminal Activities and the Nature of Criminal Structures. There are also some indirect channels through which the nature of criminal activities influences the organization of criminals. One mediating factor is the intensity of law enforcement. For a variety of reasons, the risk of apprehension, conviction, and the confiscation of assets is believed to work against the formation of enduring, complex structures. For example, the risk of betrayal increases with every additional co-offender (Reuter, 1983). At the same time, law enforcement pressure may work in the opposite direction, enticing criminals to improve security by increasing the size and complexity of criminal structures. For example, criminals may try to insulate themselves from arrest by hiring staff to carry out the most exposed and risky tasks, or criminals may hire staff to serve as look-outs, or an illegal enterprise may duplicate its structures so that the arrest of some participants would not disrupt operations overall.

Under what circumstances law enforcement pressure leads to small, simply structured offender groups and under what circumstances it leads to large, complex structures is an open research question. It could be a matter, for example, of the criminal activities in question, a matter of organizational talent and management styles, or a matter of the availability of trusted accomplices (see, e.g., Morselli, Giguere, & Petit, 2007). Irrespective of these considerations about how law enforcement pressure shapes the organization of criminals, it seems fairly safe to say that the nature of criminal activities can have an influence on the intensity of law enforcement. As a rule of thumb, the greater the perceived harm and the lower the public tolerance for a particular kind of crime—for example, child prostitution compared to the illegal sale of marijuana—the greater the intensity of law enforcement. This means that as the nature of an illegal activity influences the intensity of law enforcement, it also indirectly influences how criminals involved in this activity organize themselves (Southerland & Potter, 1993, p. 260).

A similar interconnectedness has also been suggested to exist between the nature of criminal activities and the emergence of illegal governance. Certain crimes, namely, those that are committed openly and continuously at fixed locations, such



Image 13.1 Street vendors of illegal cigarettes in Berlin, Germany, shown in a January 1995 photo, were forced to make regular protection payments to extortion gangs. The high visibility and regularity of the selling activity made it easy for extortionists to control the retail end of the cigarette black market (von Lampe, 2002b).

Photo: ASSOCIATED PRESS/Paulus Ponizak

as certain forms of illegal gambling or prostitution, are more prone to extortion and regulation than criminal activities that are more difficult to monitor (Schelling, 1971). In turn, under the protection of an underworld government, illegal enterprises may be able to develop more elaborate and stable organizational structures than illegal enterprises that are under constant threat from law enforcement, predatory criminals, or competing illegal enterprises.

The direct and indirect links between the nature of criminal activities and the nature of offender structures is most obvious with respect to illegal entrepreneurial structures. But somewhat the same also applies to associational and to quasi-governmental structures. All three types of criminal structures (entrepreneurial, associational, and quasi governmental) can vary greatly, from small groups with no formalization and role differentiation to complex organizations. Yet, associational and quasi-governmental structures are much more likely than entrepreneurial structures to develop a hierarchy of authority with a clear line of command. Clearly defined leadership structures facilitate the coordination and monitoring of large numbers of participants. This can be beneficial for an illegal business as well as for a fraternal association of criminals or an underworld government. However,

a hierarchical structure of an illegal business means that there is frequent and continuous communication between management and staff. This greatly increases the risk of the communication being detected and intercepted by law enforcement. In the case of associational and quasi-governmental structures, there is little need for communication on a daily basis, except perhaps in times of crisis, so that overall the risk of detection and interception is much lower compared to illegal entrepreneurial structures.

Variations in the Organization of Criminals and the Interplay With Other Aspects of Organized Crime

When one considers the many ways in which the nature of criminal activities influences the nature of offender structures, it appears as if the organization of criminals is solely determined by the kinds of illegal activities the respective criminals are involved in. While this is a compelling assumption, cause-and-effect relations may also exist in the opposite direction: If and how criminal activities are carried out may depend on the existence and nature of offender structures.

Main Kinds of Organizational Structures Among Criminals. The kinds of organizational structures that have to be considered in the big picture of organized crime are manifold. There is, first of all, the network of criminally exploitable ties that determines to what extent an individual criminal can draw on other criminals. Secondly, there are the structures that emerge from networks of criminally exploitable ties: entrepreneurial structures, associational structures, and quasi-governmental structures. These criminal structures vary in size and complexity and the level of integration. Some structures consist of atomized, autonomous offenders that interact in one-off exchanges. The main example for structures with a low level of integration is a pure-market setting for the exchange of illegal goods and services, but noneconomic (associational and quasi-governmental) structures may also show a low level of integration. For example, one can think of a criminal subculture where members share a sense of belonging and adhere to certain norms that are enforced on an ad hoc basis by whoever becomes aware of a transgression, without any overarching quasi-governmental organization.

Networks are arguably the most common organizing scheme among criminals. Networks connect offenders who act autonomously but have longer-term commitments to each other, which give patterns of relations some degree of permanency. Apart from pure networks there are criminal organizations in the narrow sense of the word that integrate offenders so that their actions are coordinated under the direction of a common management. If and how criminals are organized depends in part on the logistical requirements of their criminal activities, but at the same time, criminal structures also influence the nature and prevalence of criminal activities. Many if not most crimes can be committed by lone offenders, and in some respects it may be safer to act autonomously rather than in collusion with others. However, in many instances it is the interaction with other criminals that makes a criminal endeavor possible, more efficient, or less risky.

How Criminal Structures May Influence Criminal Activities. Criminal activities can be thought of as the result of motivated offenders finding and exploiting opportunities for crime (Cohen & Felson, 1979). In every respect, the interaction between criminals can play a role. To begin with, the motivation to commit crimes can be fostered and reinforced by other criminals. For example, associational structures, by giving criminals a sense of belonging in the company of other criminals and by advocating a criminal ideology and a criminal lifestyle, will make it more likely that an individual opts for committing a crime.

Membership in a criminal association may also entail the obligation to commit a crime. A typical scenario is that of a mafioso who is ordered to kill another mafioso for cooperating with the police. Interaction between criminals will also make it more likely that opportunities for crime become known to motivated offenders. This may in one extreme be a matter of underworld gossip that makes the rounds in criminal circles, and in the other extreme, it may be a matter of a criminal group systematically scouting crime settings and crime targets.

In the actual commission of a crime, including the safeguarding and the use of the proceeds of crime, success and failure may depend on the pooling of resources, namely, manpower, skills, knowhow, tools, and capital. It is important to reemphasize, however, that the benefits that individual criminals can derive from the interaction with other criminals are not necessarily dependent on the existence of integrated criminal structures. The dark web forums where large numbers of cybercriminals connect and coordinate their activities in a market setting is a case in point. Another example are the individual organized criminals who skillfully navigate the underworld and activate their criminally exploitable ties in varying combinations as needs and opportunities arise (Rebscher & Vahlenkamp, 1988). It is those individualistic organized criminals, as Block (1983, p. 256) notes, that may be the most efficient ones. The focus on delineable organizational entities, be they illegal firms, criminal associations, or criminal organizations that exercise illegal governance, are therefore somewhat misleading.

Variations in Illegal Governance and Interdependencies With Other Aspects of Organized Crime

The fixation on formal organizations also obfuscates the reality of illegal governance. The phenomenon of illegal governance can be approached from two directions. On one hand, there is the need of criminals for protection and predictability in an environment that is unregulated by legitimate government, and there are the various informal practices and mechanisms that help criminals to cope with the uncertainties of a life of crime. On the other hand, there are the criminals who for various reasons have the resources to exercise power over other criminals and who use this power in the pursuit of their own or of common interests.

To understand the variations in illegal governance, it is important to understand both aspects, the need for order and the ability to establish order, and it is important to understand how they play out under different circumstances. Establishing and maintaining order, historically speaking, is not dependent on an institution holding a monopoly of violence. Pre-state societies have been able to regulate themselves through norms and belief systems and collective responses

to wrongdoing (Michalowski, 1985). In a similar way, criminal milieus tend to have some kind of order. There are norms, such as the rule of not cooperating with authorities and the rule not to cheat other criminals, which are widely accepted as binding. Even though these rules may be broken on occasion, they still appear to have a restraining effect on the individual behavior of criminals. There are also mechanisms through which underworld rules are enforced, even in the absence of an underworld government. The mere "reaction of disapproval" (Weber, 1968, p. 34) by other criminals resulting in a loss of status within the underworld, may be a sufficient deterrent. There is no incentive, for example, in being called a "rat," a "snitch," or a "grasser." Underworld norms may also provide for punishment meted out by individuals or by ad hoc tribunals that assume quasi-governmental powers in a transient fashion. Violent retribution, for example, may be an accepted response against a wrongdoer (he had it coming) who in turn is not allowed to seek revenge. Otherwise there would be the risk of an uncontrollable escalation of violence.

Informal status hierarchies that evolve within criminal milieus just as in other social contexts predispose certain individuals to carry out quasi-governmental functions, namely, those individuals that hold the highest social prestige (Rebscher & Vahlenkamp, 1988, p. 46). Even the role of members of mafia organizations can be viewed in this light (Albini, 1971; Hess, 1996). Individual mafiosi rather than the mafia organization as such, it seems, are typically sought out as arbiter and protector, even though, of course, their reputation as mafiosi may add significantly to their status (Gambetta, 1993). In turn, the ability of mafia organizations to direct and coordinate these individual mafiosi appears to be limited. In his analysis of the Cosa Nostra in New York, for example, Peter Reuter found little evidence that the provision of protection was managed by the five Cosa Nostra families beyond making sure that only members provided protection and that these members did not compete against each other (Reuter, 1983).

Only within a limited geographical area is it likely to see a criminal organization—for example, an individual Mafia family—effectively coordinating and managing its members to function as a cohesive underworld government. Viewed in this light, mafia organizations can be found toward one extreme in a broad range of structural patterns that serve the regulation and self-governance of criminals. But there is illegal governance even in the absence of mafia organizations when one understands illegal governance in a broad sense, in terms of practices and mechanisms that create order in criminal milieus.

When one approaches the phenomenon of illegal governance from the perspective of emerging or existing criminal groups that exercise power over other criminals, the most salient variations are in the range of activities that are controlled and in the degree to which genuine quasi-governmental services are provided as opposed to mere extortion. In its ideal-typical form, illegal governance encompasses all illegal activities and all illegal-market levels in a given territory and provides protection against other criminals and, through corruption, against law enforcement. Normally, however, illegal governance is confined to just a few crimes and to the lower levels of illegal markets.

These variations in the nature and extent of illegal governance likely have a profound influence on the organization of crime and criminals. The more effective and comprehensive illegal governance is exercised, the lower the risk of conflict

and disruption that criminals face. It becomes easier to carry out illegal activities on a continuous basis and to form durable, efficient organizational structures. This is first of all a direct result of the predictability and security that illegal governance provides. But there is also an indirect influence. To the extent illegal governance entails the systematic reduction of violence and other criminal behavior that is likely to draw media and police attention, the risk of law enforcement intervention is reduced, irrespective of whether or not corruption is at play.

Variations in the Illegal-Legal Nexus and Interdependencies With Other Aspects of Organized Crime

The nature of criminal activities, criminal structures, and illegal governance as well as the various interdependencies between them are themselves influenced by the broader social context. To begin with, the basic parameters of crime are set by the reach of the criminal law. Put in simple terms, the more prohibitions there are the more crimes there are to commit. In a country that criminalizes gambling, drugs, and prostitution, all else being equal, criminals have more options to engage in crime than in a country where these activities are decriminalized or outright legal. Apart from this fundamental link, there are three main paths of influence between the legal and illegal spheres of society that have to do with law enforcement, crime opportunities, and motivations to engage in crime.

Important variations exist with respect to the enforcement of the law. Generally speaking, law enforcement sets a major constraint for the organization of crime and criminals, but the intensity and direction of law enforcement can vary greatly for a number of reasons. The presence or absence of corruption is the most commonly addressed factor. But variations in law enforcement exist also with respect to the resources available to law enforcement agencies and the priorities set by the political level or the police leadership. What relevance these differences have can be observed where radical shifts in anticrime policies take place. For example, in Italy in 1982 sweeping legislation that, among other things, outlawed membership in mafia-type organizations led to a substantial weakening of the Sicilian Mafia when hundreds of mafiosi were convicted in the so-called maxi-trials (Chapter 11). Variations in the nature of law enforcement also exist with respect to the legitimacy of the police and the criminal justice system. Poor police performance, abuse of power, systemic corruption, and a general weakness of the rule of law undermine community support for the authorities, even where honest efforts are made to curb crime (Van Dijk, 2007).

The second major path of influence between the legal spheres of society and organized crime, apart from the enforcement of the law, pertains to crime opportunities. Opportunities for market-based crimes are linked to the demand for illegal goods and services. Opportunities for predatory crimes emerge from the vulnerabilities of potential victims. And opportunities for illegal governance emerge in areas that legitimate government is unwilling or unable to effectively regulate. All of these opportunities are highly variable across social settings—for example, when one compares affluent and stable Scandinavian welfare states, authoritarian and corruption-prone post-Soviet regimes in Eurasia, and weak states in Africa.

The same variability can be observed in the presence or absence of motivated offenders willing and able to exploit these opportunities, the third major path of influence between legal and illegal spheres of society. It is not a given that there is a criminal for every crime opportunity and that for every crime opportunity that requires the cooperation of several criminals, offenders with the necessary resources come together. There are variations in the number of motivated offenders willing to engage in organized crimes and to join criminal organizations, and there are variations in the skillfulness and sophistication of these offenders. These variations can have a number of different reasons. The spread of extortion and criminal protection in post-Soviet societies in the 1990s, for example, has been explained in part by the restructuring of the government apparatus after the fall of Communism. As a result of the scaling-down of the security services, the military, and state-sponsored athletics, especially martial arts, large numbers of men skilled in the efficient use of violence found themselves on the street with hardly any options for legal employment (Tzvetkova, 2008; Volkov, 2002). Another example, showing the opposite effect, is the demise of the American Cosa Nostra, which has been ascribed in part to recruitment problems. Young Italian-Americans, it is said, now have much better legitimate career opportunities than in the 1940s and 1950s when discrimination against Italians was common (Paoli, 2003a, p. 11; Reuter, 1995, p. 96; see also Raab, 2005, p. 424).

Variations in Individual Offender Characteristics and Interdependencies With Other Aspects of Organized Crime

The skillfulness and sophistication of recruits of criminal associations is one of the recurring themes in the debate on organized crime that pertain to the individual characteristics of organized criminals. Individual capabilities are commonly addressed as crime-specific prerequisites that limit the pool of potential offenders for certain crimes (Cornish & Clarke, 2002, p. 55). Other individual characteristics are mentioned that are believed to set organized criminals apart from ordinary criminals or leading underworld figures apart from lower-ranking organized criminals. For example, it has been suggested that organized criminals, or at least leading organized criminals, stand out because of a higher intelligence and a lower impulsiveness compared to other criminals (Bovenkerk, 2000; Gilbert, 2007, p. 418; Kelland, 1987, p. 356; Lichtenwald, 2004). There is no coherent debate and no systematic research on these aspects, however. The only individual-level variables that have received some attention with respect to organized criminals are age and gender.

The Age-Range of Organized Criminals. It is commonly assumed that involvement in conventional crime is concentrated in late adolescence and early adulthood, while involvement in organized crime tends to be a life-long commitment (Kleemans & de Poot, 2008). Some differentiations have to be made, however, between the involvement in organized criminal activities on the one hand and the involvement in criminal organizations, namely mafia-type associations, on the other.

The onset of organized crime commission can be very early in life. Apart from the phenomenon that juveniles show higher rates of co-offending than older criminals (Van Mastrigt & Farrington, 2009), even children can be part of criminal

firms in the narrow sense of the word. Namely, children are recruited into pick-pocketing and serial burglary gangs where their size but also their relative immunity from punishment is exploited. Of course, in these cases, the children are not only perpetrators but also victims. In other areas of crime, namely, transnational crimes and especially in smuggling operations, a late onset of criminal careers and a predominance of older offenders have been observed. This can be explained in part by logistical needs, such as access to the international transportation, trading, and banking infrastructures that only individuals established in legitimate careers tend to have who then become involved in criminal activities (Desroches, 2005; Kleemans & de Poot, 2008; Van Dijk, 2007; Van Koppen, de Poot, Kleemans & Nieuwbeerta, 2009).

Criminal associations, be they mafia-type organizations or outlaw motorcycle gangs, tend to be restricted to adults, and in most cases membership tends to be for life. However, the option of retirement from an association does exist in some cases—for example, retirement from yakuza organizations and leaving an outlaw motorcycle gang “in good standing” (Hill, 2003; Barker, 2007)—a notion that is completely alien to organizations such as the Sicilian Mafia (Paoli, 2003a). Accordingly, members in criminal associations tend to have a rather high average age and older members tend to occupy the leadership positions. Anderson, for example, noted in her study of the Philadelphia Cosa Nostra, that half of the members were over 60 years of age (Anderson, 1979, p. 3).

Organized Criminals and Gender. The common perception of organized crime is that it is largely a men’s world. Conventional wisdom is summed up in the following quote from a book on international crime published in 1955:

In the International Underworld, women’s role is quiet and unobtrusive. There are exceptions, of course. Hot, noisy, emotional exceptions. But in the main, without over-straining some attempt at generalisation, it may be said that women lack not simply sufficient physical powers to wage crime on a grand scale, but a sufficient taste for dramatic action to hanker after this indulgence. (Forrest, 1955, p. 192)

The secondary role ascribed to women pertains in the first instance to criminal associations that commonly do not accept women as members. There are only a few exceptions to this rule, including some Chinese triads (Chapter 7) and (historically) some Yakuza groups (Otomo, 2007, p. 211) who reportedly have given full membership status to women. Even without formal membership status, however, some women have played an active role in criminal associations, typically as aides to husbands and male relatives—for example, in a capacity as messengers. In some cases, women have even (informally) attained leading roles, typically to take the place of husbands and male relatives in case of death or arrest (Siegel, 2014, p. 60).

The involvement of women in criminal *enterprises* is much more prominent than in criminal *associations*, and the history of crime knows quite a few prominent females in areas such as human trafficking, illegal gambling, trafficking in stolen goods, and drug trafficking (Carey, 2014; O’Kane, 1992). Still, female offenders remain underrepresented in illegal entrepreneurial structures and are



Image 13.2 Griselda Blanco (1943–2012), the “Queen of Cocaine,” was a leading figure in the cocaine business and known for her penchant for violence.

Photo: ASSOCIATED PRESS/REDACCIÓN MEDELLÍN

mostly found in subordinate positions. For example, among the 220 suspects charged between 1997 and 2004 with participation in a criminal organization engaged in a profit-making crime under the Canadian Criminal Code, only 4 (1.8%) were women (Beare, 2010, p. 32). An analysis of organized crime cases in the Netherlands found that in most cases (102 out of 150 or 68%) there was at least one female suspect. Yet overall, the number of female suspects was limited to 247 for a share of only 11 percent of the total of 2,295 suspects; and only in 8 out of the 150 selected cases did women occupy a leading role (Kleemans, Kruisbergen, & Kouwenberg, 2014, p. 21, 24).

The involvement of women in illegal enterprises appears to vary across countries and areas of crime. Particularly large shares of female offenders with women playing leading roles in illegal enterprises have been observed in the areas of human smuggling and human trafficking for sexual exploitation (UNODC, 2010, p. 47) and especially among Chinese and Nigerian criminal networks (Lo Iacono, 2014; Mancuso, 2014; Zhang, Chin, & Miller, 2007).

The debate on women and organized crime is centered on the various ways in which the status of women in society may impact on their absence or presence and their rank in criminal networks (Arsovska & Allum, 2014; Beare, 2010; Siegel, 2014; Van San, 2011). For example, the phenomenon of Nigerian “madams” who organize prostitution has been explained by the cultural acceptance of independent businesswomen in Nigeria (Arsovska & Begum, 2014).

Relatively little has been said in the academic literature about the consequences of female involvement in organized crime. The implication, however, seems to be that with larger shares of women in the underworld, the importance of violence and intimidation would decrease. For example, Zhang et al. (2007, p. 723) allude to “the construction of the basic masculine identity around interpersonal violence” and the concern to establish and protect turf as significant

features of male-dominated areas of organized crime (see also Schoenmakers, Bremmers, & Kleemans, 2013, p. 329). There is no reason to believe, however, that female offenders are entirely adverse to violence. In a study of female drug traffickers in Melbourne, Australia, for example, Denton and O'Malley (1999) found that violence and intimidation were used on occasion when deemed necessary to stay in business. And then there is the case of infamous drug trafficker Griselda Blanco. She was at the helm of a network of men and women who distributed cocaine for the Medellín Cartel in Miami and New York in the 1970s and early 1980s. Reportedly Blanco relied heavily on the use of violence to achieve and maintain her status in the underworld and is said to have contributed directly to more than two hundred murders (Carey, 2014, pp. 177–193).

MODELING ORGANIZED CRIME

The many interdependencies that appear to exist between the various facets of organized crime beg the question if it is possible to capture them within one comprehensive model. Ideally, one would want to simulate how the interdependencies between the nature of criminal activities, criminal structures, illegal governance, and other factors play out under different conditions.

Given the fragmentary nature of current knowledge about these interdependencies, however, such a simulation model is firmly out of reach. What appears feasible is to use a model as a heuristic device to clarify what kinds of tentative insights the study of organized crime has produced and where further research is needed.

Descriptive Models of Organized Crime

Models are representations of reality, though on a lower level of complexity. They are sometimes treated as synonymous with theory, sometimes they are seen as necessary precursors to theories, and sometimes they are seen as tools to test and apply theories (Morrison & Morgan, 1999). In the organized crime literature, in contrast, the term *model* has been used more in the sense of perspectives or descriptive concepts.

The notion of models of organized crime has in the past been most closely linked to a threefold classification proposed by Jay Albanese (1989; 1994; 2011), who distinguishes a hierarchical model, a patron-client model, and an enterprise model. All three models originally referred to the American Cosa Nostra. The hierarchical model pertains to the official view that emerged during the 1950s and 1960s and framed organized crime, synonymous with Cosa Nostra, in terms of a nationwide bureaucratic organizational entity (Cressey, 1969). The patron-client model refers to the works of Joe Albini (1971) and Francis Ianni and Elizabeth Reuss-Ianni (1972), who reconceptualized the associations of Italian American criminals as webs of asymmetric ties (patron-client relationships) embedded in local or ethnic networks. The enterprise model, finally, is associated with Dwight C. Smith's (1975; Smith, 1980) spectrum-based

theory of enterprise, which centers on economic activities and the primacy of market forces over group structures. As Jay Albanese himself has emphasized, these models really represent different ways of looking at organized crime, different paradigms in Albanese's wording, which he believes can fruitfully be combined to get a more complete picture (Albanese, 1994, 2011).

In a similar vein, Dickie and Wilson (1993) have distinguished two major theoretical models of organized crime: a mafia or evolution-centralist model and a social systems model. The mafia model is understood in roughly the same way as Albanese's hierarchical model, in that it refers to a view that associates organized crime with ethnically homogeneous bureaucratic criminal organizations. The social systems perspective, on the other hand, is similar to Albanese's patron-client model of criminal associations based on kinship ties or patron-client relationships (see also Abadinsky, 2013). Frank Hagan, finally, has integrated the various perspectives in his continuum or ordinal model of organized crime (Hagan, 1983, p. 54; see also Hagan, 2006). This model is designed to help determine how closely a criminal group and its activities resemble the ideal-typical imagery of a bureaucratic mafia organization.

Explanatory Models of Organized Crime

Some authors have gone beyond an understanding of models of organized crime as devices primarily for classifying manifestations of organized crime on the descriptive level. Boronia Halstead (1998), for example, has added an explanatory dimension to the notion of models of organized crime. She distinguishes different models not only by the underlying conception of the nature of organized crime but also by specific social conditions that are assumed to be responsible for the emergence of one or the other manifestation of organized crime. In one model, Halstead discusses how illegal enterprises can be perceived as organizations influenced by internal and external stakeholders that include offenders, customers of illegal goods and services, law enforcement, and policy-makers (Halstead, 1998, p. 8).

Phil Williams and Roy Godson (2002) have taken the discussion yet another step further by linking certain social conditions with certain manifestations of organized crime and these, in turn, with certain social consequences or impacts. In their discussion of a methodology for anticipating "the further evolution of organized crime," they distinguish several potentially predictive models that emphasize causal relations between certain environmental conditions, certain manifestations of organized crime, and certain outcomes (Williams & Godson, 2002, p. 315; see also Morrison, 2002). Political models, according to Williams and Godson, can explain the increase in particular types of crime and the emergence of criminal structures as the result of a weak state, an authoritarian form of government, and a low degree of the institutionalization of the rule of law. Economic models include those approaches that attempt to predict organized criminal behavior with a view to the dynamics of supply and demand and the levels of control of illegal goods and services. Social models emphasize the cultural basis for organized crime, the idea of criminal networks as a social system,

and the importance of trust and bonding mechanisms for the organization of criminals. The strategic or risk management model conceptualizes the activities of criminal enterprises, for example, the corruption of public officials or the exploitation of safe havens, as means to minimize the risks of operating in a hostile environment. Finally, Williams and Godson include hybrid or composite models that variously combine political, economic, social, and strategy factors to predict, for example, that in certain states characterized by weak government, economic dislocation, and social upheaval, transnational criminal organizations will take control of much of the domestic economy to use it as a basis for operating in host states where lucrative markets and supporting ethnic networks exist (Williams & Godson, 2002, pp. 315–347).

Comprehensive Analytical Models of Organized Crime

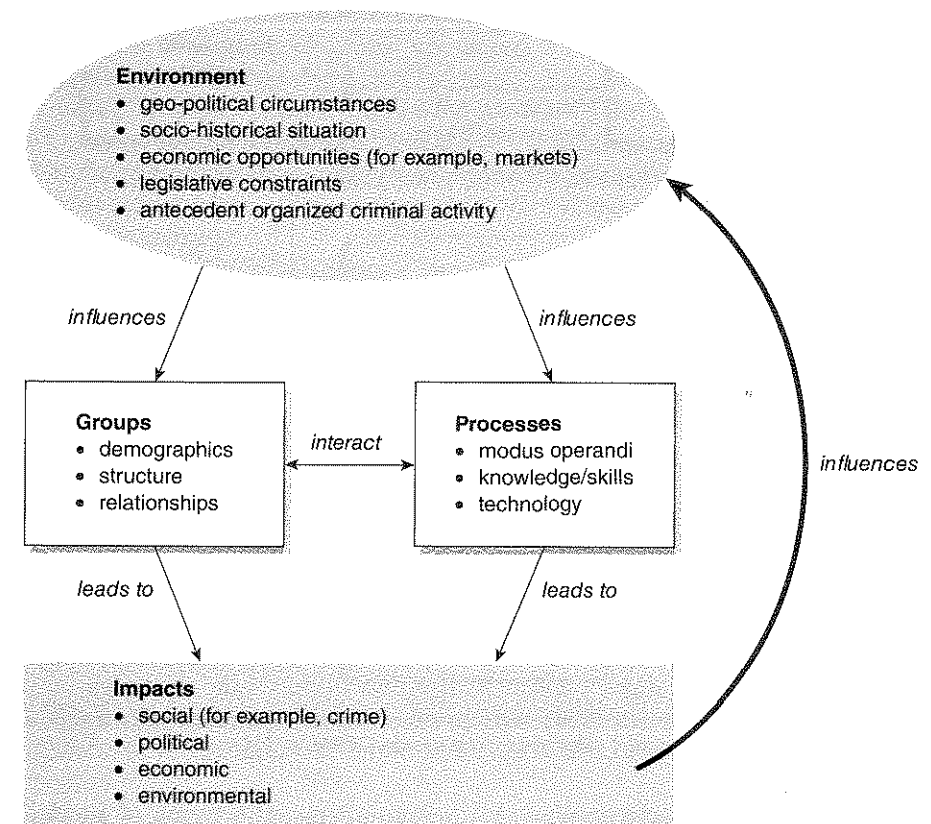
What the models identified by Albanese, Dickie and Wilson, Hagan, Halstead, and Williams and Godson have in common is a strong orientation toward concrete events and settings. The models are largely constructed with notorious manifestations of organized crime in mind that have emerged under specific historical circumstances. This limits their broader applicability. Even the composite models proposed by Williams and Godson (2002) still fall short of an overall framework designed to consistently capture, analyse, and compare phenomena across historical and cultural settings. The models arrange and link phenomena more or less as if the only possible constellations are those defined by specific historical cases.

In contrast, there are also attempts to design models that seek to capture how the phenomena that fall under the umbrella concept of organized crime manifest themselves in any conceivable constellation, regardless of whether or not these constellations resemble commonly known events or stereotypical imagery.

One such model has been proposed by Shona Morrison (2002, p. 2; see Figure 13.2), although it lacks detailed elaboration. It is essentially organized around the two dimensions of criminal structures (Groups) and criminal activities (Processes) and depicts how the social environment shapes criminal structures and criminal activities and how these structures and activities in turn impact on this environment.

Another model at a similar level of abstraction is shown in Figure 13.3. The model of the contextuality of organized crime (von Lampe, 2004a, p. 232) comprises four elements: criminal networks and their task environment as well as the social context and the institutional context. This model is based on the assumption that criminal networks face a particular task environment that offers specific opportunities for crime (Smith, 1978). These opportunities are shaped by the social environment, for example, by the demand for illegal goods and services and by the institutional context, namely, by the definition and enforcement of criminal law. Likewise, the model takes into account that criminal networks are shaped by the social and institutional environment. Socioeconomic conditions like unemployment and the discrimination of minorities influence the recruitment base of criminal networks, while law enforcement sets constraints

Figure 13.2 Shona Morrison's Representation of the Interrelated Aspects of Organised Crime (2002)

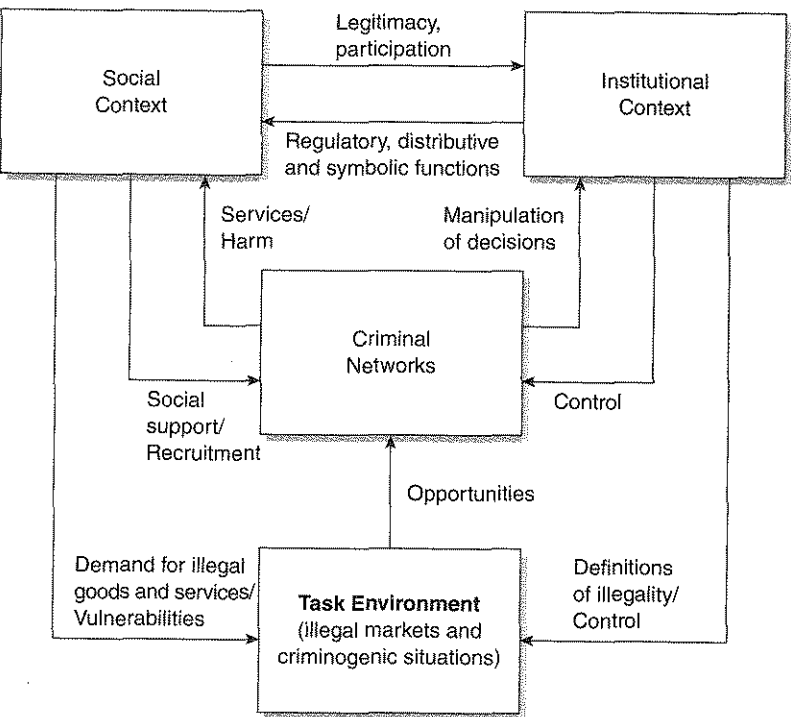


Source: Australian Institute of Criminology/Morrison (2002).

for the formation and operation of criminal networks. At the same time, criminal networks are understood to influence their environment. They not only inflict social harm through the crimes they commit but they may also interfere with the functioning of social institutions, namely, government but also business and media. Another important feature of the model is that it highlights the relation between the social and institutional context. The degree of legitimacy of social institutions, for example, has an impact on the relationship between criminal networks and their social environment: The more unpopular prohibitions of goods and services are, the greater the support for criminal groups that provide these goods and services; and the weaker the government, the greater the support for criminal groups that establish order through illegal governance.

Although the model consists of only four elements and conflates criminal structures, criminal activities, and illegal governance into one element (Criminal Networks), numerous facets of the debate on organized crime can be highlighted

Figure 13.3 Model of the Contextuality of Organized Crime



Source: Revised version of the model presented in von Lampe (2004a, p. 232).

and captured in a systematic way. At the same time, the limits of modeling organized crime are obvious. Many details are inevitably lost because of the small number of model elements that can be meaningfully displayed in a two-dimensional graph. But even if a more detailed graphical representation were feasible, efforts to construct a more refined model would soon hit a wall. Current knowledge is simply too fragmented to understand the complex interplay of the phenomena that fall under the umbrella concept of organized crime (von Lampe, 1999; von Lampe, 2011d). It is not possible to predict with any degree of certainty, for example, how a change in criminal law such as the prohibition of cigarettes would affect the structure of illegal enterprises or the extent of corruption. While the modeling of such dynamics does not seem feasible, what can be done is to see how the dynamics of organized crime play out and manifest themselves in certain constellations.

TYPOLOGIES OF ORGANIZED CRIME

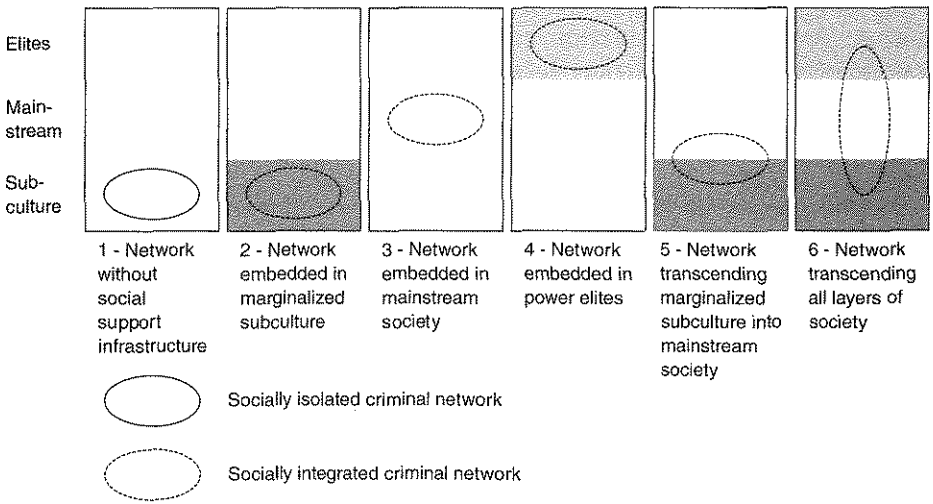
The phenomena that fall under the umbrella concept of organized crime vary greatly across numerous dimensions. This has been emphasized throughout this book. At the same time, there are interdependencies that connect these

phenomena, and there seem to be recurring patterns in the way certain forms of criminal activities, criminal structures, and illegal governance coincide with certain social and institutional contexts. These recurring patterns can be captured in typologies of typical constellations or scenarios of organized crime. The models of organized crime presented by Williams and Godson (2002) constitute one such typology.

Another typology is presented in Figure 13.4. Like the model in Figure 13.3, this typology is centered on the concept of criminal networks that in the interest of simplicity encompasses here the organization of criminals as well as the illegal activities these criminals are engaged in, including profit-oriented and illegal-governance crimes.

The typology likewise adopts a simplified view of society. Society is divided into three layers: a lower class with marginalized subcultures, a middle class representing the mainstream of society, and an upper class comprising the social elites. The typology is premised on two assumptions. The first assumption is that criminal networks tend to be homogeneous with members “sharing the same social background according to the old adage, “birds of a feather flock together.” The second assumption is that there is a positive correlation between the social position of criminals and the lucrativeness of crime opportunities. The higher the social position of an offender, the greater the rewards and the impact of the crime and the lower the risk of apprehension and conviction. For example, a welfare recipient who robs a bank may get a few thousand dollars and is likely to get arrested, if only because of the footage from a surveillance camera. The director of the same bank who embezzles funds or defrauds customers in phony investment deals may obtain millions of dollars while facing a much smaller risk. To begin with, one would assume that there are no surveillance cameras mounted above the desks of bank directors, and as the embezzlement or fraud

Figure 13.4 Typical Constellations of Organized Crime



Source: Further elaboration of previous versions in von Lampe (2001b; 2004a; 2005b; 2008b).

takes place, the behavior on display is not different from what a bank director normally does. Finally, even if the bank director is caught in the act, it will be by internal or external auditors who may not even report the crime, because a criminal investigation might tarnish the reputation of the bank. The bank director then will be out of work but not in jail.

The six constellations that are distinguished in the typology presented in Figure 13.4 are ideal types that may only rarely if ever exist in their purest form. The first constellation (*networks without social support infrastructure*) is that of criminal groups operating in social isolation without drawing on their social environment in any way. The prime examples for these cases are Eastern European predatory criminal gangs that burglarize apartments or rob jewelry stores in Western Europe. While they are socially embedded at their home bases, these criminal groups may not have a support infrastructure in the countries where they commit their crimes. They do not register businesses or recruit accomplices, and in some cases, they do not even rent apartments or stay in hotels but camp out in the woods in order to avoid any contact with the local population. Correspondingly, they have no access to officials that they could bribe or otherwise influence. Their security strategy is to avoid and evade attention. That these groups engage in predatory crimes in a hit-and-run fashion is in line with their isolated position in the countries of operation. Market-based crimes, such as drug trafficking, in contrast, would require some interaction with suppliers and customers.

The second constellation (*networks embedded in marginalized subcultures*) is typified by immigrant and lower-class communities at the margins of society where criminal structures emerge around predatory and market-based crimes as well as around illegal governance. In comparison to isolated criminal networks, criminals in marginalized subcultures can rely on social support beyond the circle of their immediate accomplices, but they are largely confined to a community that is set apart from mainstream society and its institutions. The seclusion of marginalized subcultures can shield and foster organized crime. Drug trafficking, illegal gambling, and extortion are typical illegal activities in such an environment, and quasi-governmental structures are likely to gain control over these activities as well as over local legitimate businesses. At the same time, criminals from these communities are more likely to attract attention and to draw the interest of law enforcement agencies, especially once they venture outside their own turf. After all, they perfectly fit the organized criminal stereotype. Accordingly, these criminals have limited access to the legal social infrastructure, if not because of legal, cultural, educational, or language barriers then because of prejudice and discrimination; and they tend to lack the connections to public officials that could facilitate criminal endeavors and provide immunity from law enforcement, at least in comparison to middle and upper class criminals.

The third constellation (*criminal networks embedded in mainstream society*) pertains to outwardly law-abiding members of the middle class who engage in such crimes as investment fraud, health care fraud, or drug trafficking. They are not restricted by any practical, cultural, or legal obstacles in taking advantage of the legitimate social infrastructure. They can do such things as open bank accounts, transfer large amounts of cash, register businesses, and travel in furtherance of their criminal endeavors without having to be overly concerned

about raising suspicions. In comparison to criminals from marginalized subcultures, criminals from mainstream society also have the strategic advantage of having natural interactions with public officials, be it in the course of business or on the tennis court. These relations to officials may easily translate into crime opportunities or reduced risks of law enforcement interference. Even in the absence of outright corruptive relations, police or prosecutors may be reluctant to start investigations against such well-respected and well-connected members of society.

The fourth constellation (*criminal networks embedded in power elites*) pertains to situations of state-organized crime where criminals have direct access to government decision-making. Here the issue of corruption does not present itself as a problem of corrupt relations between criminals and office holders because the office holders themselves are the criminals. Criminal networks embedded in the power elites can also extend beyond government to include leaders of business and the media. Examples are provided by a long series of scandals on the local, state, national, and supranational levels, involving the abuse or misuse of power for personal gain, for example in connection with public contracts, the rezoning of real estate, or the trade in embargoed goods.

The situations captured by constellations five and six deviate from the previous four scenarios in that criminal networks transcend the stratifications of society. The fifth constellation (*criminal networks that transcend marginalized subcultures into mainstream society*) are hybrids of the second and third constellations in that they combine members with different social backgrounds, some from the lower and some from the middle class. These networks combine important resources, for example the ability and willingness to use violence and access to source countries of illegal drugs with access to logistically valuable sectors such as transportation and banking. These networks may emerge as the result of targeted recruitment, for example when a drug trafficking group based in an immigrant community links up with businesspeople in the transport and finance sectors to facilitate the smuggling of drugs and the laundering of illicit proceeds. Another possibility is that some members of a criminal network that is rooted in a marginalized community gain respectability and a place in mainstream society without giving up their criminal activities. Hybrid networks can also emerge from social networks that extend across social strata, for example social networks that have formed in school or in the military.

The sixth constellation, finally, is that of criminal networks that transcend all layers of society from marginalized communities to the power elites. The Sicilian Mafia represents such a network as its membership and its circle of allies has traditionally encompassed individuals from the lower, middle, and upper classes, including businesspeople, politicians, and members of the clergy. The balance of power may shift between the underworld and upperworld elements, but essentially there seems to be a congruence of interests. Political leaders, for example, may be willing to use violent criminal groups in furtherance of their interests while in exchange they grant these groups immunity from prosecution in other illegal activities. Members of the social elites may also take direct advantage of these illegal activities, for example as investment opportunities or as sources of funding for political campaigns and political endeavors that could not be financed out of official budgets.

The main difference between the crimes of the powerful captured in the fourth constellation and the underworld-upperworld alliances captured in the sixth constellation is that in the former case legitimate institutions are instrumentalized for criminal purposes without recourse to the underworld. The range of crimes of the powerful will also be narrower than the range of criminal activities that are carried out by and under the protection of underworld-upperworld alliances. The question is if this makes crimes of the powerful a lesser evil compared to underworld-upperworld alliances. One could also argue that powerful criminals at the helm of society who do not need to take recourse to and seek alliances with the underworld constitute a more potent threat to the integrity and welfare of society. Another question is to what extent the six scenarios presented in Figure 13.4 are endpoints of developmental paths or, instead, represent different phases in a grander process of the organization of crime and criminals.

TRAJECTORIES IN THE DEVELOPMENT OF ORGANIZED CRIME

A number of propositions have been made about the developmental dynamics of organized crime. Typically, one-dimensional pathways from one state of affairs to another are described. Sometimes, these developments are seen as irreversible although they may be slowed or halted by certain factors, and sometimes the possibility of a regression to an earlier developmental state is taken into account. Only rarely are developmental pathways considered that are characterized by turning points and crossroads from where the process can go in different directions. What unites all authors who have contributed to this debate, however, is that organized crime is dynamic and not static, subject to constant (minor or major) changes. These changes pertain to individual criminal groups, criminal milieus, illegal markets, or the illegal-legal nexus.

Three main trajectories are described in the literature, each linked to a particular classification of organized crime phenomena. In one scenario, different kinds of structural arrangements, from loose networks to tightly knit organizations, are seen as natural phases in the development of organized crime. In another scenario, criminal associations, illegal enterprises, and quasi-governmental structures mark different developmental stages. In a third scenario, the development of organized crime is marked by changes in the relationship between criminal groups and government and, more generally, between underworld and upperworld.

Growth and Structural Sophistication of Individual Criminal Groups

According to a commonly held assumption, criminal structures progress along a pathway from “individuals to groups” (Shaw, 2006, p. 195), and from “co-offending [that] is low-level and unstable” to “full formal organization for crime” (Felson, 2009, pp. 161, 163; see also Best & Luckenbill, 1994; Cressey, 1972). This notion, which is most salient in the literature on street gangs, can be

found as early as in Frederic Thrasher’s classic study on Chicago gangs. He noted that under favorable conditions, “the gang tends to undergo a sort of natural evolution from a diffuse and loosely organized group into the solidified unit which represents the matured gang” (Thrasher, 1927/1963, p. 47). The implication is that criminal structures, if they progress, become larger, more cohesive and more formalized (Lamm Weisel, 2002, p. 29).

A number of factors come into play that may account for this development. Felson, for example, suggests with reference to Max Weber that the growth of criminal structures is driven by patrimony, “a form of personal and direct domination” of a patron over a number of clients who themselves lack an independent power base. The power of the patron, in turn, to which clients flock, “relies on one person’s force of personality, often called charismatic authority, enabling him to secure cooperation from others” (Felson, 2009, p. 163). Another driver of growth and also increased structural sophistication is seen in conflicts with other criminal groups and from law enforcement pressure. In the face of adversity, it is assumed, criminal groups may develop self-awareness, become more integrated and cohesive, and larger entities may form as the result of a merging of smaller groups (Ayling, 2011b, p. 18; Densley, 2014, p. 519; Lamm Weisel, 2002, pp. 48, 55; Thrasher, 1927/1963, p. 45). This trend is not considered inevitable. Larger groups, to the extent they form at all, may splinter and fragment, and more sophisticated structures may regress to simpler forms (Ayling, 2011b, p. 10; Lamm Weisel, 2002, pp. 50–51).

Transformations in the Function of Criminal Groups

Apart from growth and structural sophistication there is also the notion that criminal groups may undergo a metamorphosis in the functions they serve. One transformation that is mentioned in the literature is that from delinquent groups engaged in random crime into specialized criminal enterprises (Ayling, 2011b, p. 12), and the transformation from criminal groups engaged in crime for profit into quasi-governmental structures exercising illegal governance (Reuter, 1994). James Densley (2014, p. 521) has even argued that there is a pathway encompassing associational, entrepreneurial as well as quasi-governmental structures, a “natural progression of gangs from recreational neighborhood groups to delinquent collectives to full-scale criminal enterprises to systems of extralegal governance.” The assumption is that groups, as they develop, acquire the reputation and the means to use violence effectively.

Another scenario has been proposed by Skaperdas and Syropoulos (1995), who explain the emergence of quasi-governmental structures as a process that coincides with the initial formation of criminal groups in an anarchic underworld. They argue that from the start, criminals have to decide whether they invest their resources in “productive” activities, such as drug dealing, or “appropriative” activities such as the extortion of drug dealers. Very soon, they argue, “those who have the comparative advantage in the use of force and are thus less productive in useful activities tend to prevail” (Skaperdas & Syropoulos, 1995, p. 63).

Developmental Pathways in the Relation Between Underworld and Upperworld

The third major frame of reference for the discussion of developmental pathways of organized crime is the relationship between underworld and upperworld. When one goes back to the typology of typical constellations of organized crime presented in Figure 13.4, then the pathway most discussed is the development of criminal networks in marginalized subcultures (Type 2) to hybrid networks of lower- and middle-class criminals (Type 5) and finally to criminal networks that transcend all layers of society (Type 6).

Donald Cressey, for example, argued with reference to the American Cosa Nostra that the demand for illegal goods and services nurtured the emergence of an ever more centralized and ever more powerful criminal organization which eventually succeeds in neutralizing law enforcement through corruption and destroying "the economic and political procedures designed to insure that American citizens need not pay tributes to criminals in order to conduct a legitimate business, to engage in a profession, to hold a job, or even to function as a consumer" (Cressey, 1972, p. 26; Cressey, 1969, pp. 73–74).

A somewhat different process of increased involvement of criminal organizations in the legal spheres of society has been described as a sequence of three phases by R. T. Naylor (1993) and Peter Lupsha (1996). They both distinguish a "predatory," a "parasitical," and a "symbiotic" stage while deviating in the exact description of each of these stages.

According to Naylor (1993, p. 20), the first, "predatory" stage, is characterized by loose associations of criminals, such as urban street gangs, that operate on a local level under constant threat from law enforcement. Their criminal activities "are essentially predatory with respect to formal society," namely, "hijacking, bank robbery and ransom kidnapping." During the second, parasitical stage, criminal activities become regional or even national in scope, and they may no longer be purely predatory. There is "a better supporting infrastructure" and although criminal activities "impose an on-going, long-term drain on formal society" there may be some demand for these activities, namely, illegal gambling and drug dealing. Embezzlement and protection rackets, the other two types of crime mentioned by Naylor, are clearly more predatory in comparison. The final, symbiotic stage, is marked by criminal activities that may extend to the international level and are closely linked to the legal spheres of society. Activities may involve "the provision of goods and services which may even be legal themselves, but are illegal in terms of the methods with which they are produced and distributed," for example, gambling casinos that are used for skimming profits and money laundering. Activities may also include illegal services "to otherwise legitimate corporations . . . varying from unionbusting to illegal waste-disposal" (Naylor, 1993, p. 20).

In the six-fold typology of typical constellations of organized crime (Figure 13.4) the symbiotic stage described by Naylor is a case primarily of Type 5, hybrid, lower-, and middle-class criminal networks. Lupsha, in contrast, describes all three stages as resembling Type 6, criminal networks that transcend all layers of society.

According to Lupsha (1996, p. 31), the initial, predatory stage is defined by gangs that have acquired dominant positions within the underworld and have already established links to "legitimate power brokers, local political notables and economic influentials who can use the gangs' organization and skills at impersonal violence for their own ends, such as debt collection, turning out the vote, or eliminating political rivals or economic competitors." What defines the predatory stage according to this interpretation is that "the criminal gang is the servant of the political and economic sectors and can easily be disciplined by them and their agencies of law and order" (Lupsha, 1996, p. 31). In the parasitical stage, according to Lupsha, the links between underworld and upperworld develop further in the direction of criminal organizations becoming "an equal of, rather than a servant to, the state" (Lupsha, 1996, p. 32). In the symbiotic stage, the merging of organized crime and the state is complete as "the legitimate political and economic sectors now become dependent upon the parasite." The endpoint is reached when "organized crime has become a part of the state; a state within the state" (Lupsha, 1996, p. 32).

Alfried Schulte-Bockholt (2001) has drawn on the same conception of a three-stage development to argue that criminal organizations, as they mature, may develop a political agenda: "While OC groups initially emerge as organization of the excluded and exploited, established criminal societies strive to become included" (Schulte-Bockholt, 2001, p. 237). Criminals may seek to integrate themselves "into existing structures of domination," typically in times of rapid socioeconomic change when the ruling elites feel threatened by counter-hegemonic movements and are receptive to assistance from criminal elements (Schulte-Bockholt, 2001, p. 226). As an illustration, Schulte-Bockholt cites the role of the Shanghai Green Gang in establishing the dictatorship of Chiang Kai-shek and the Kuomintang (KMT) in China in the year 1927. "In return for their help in the elimination of Communists and unions in Shanghai," Schulte-Bockholt (2001, p. 231) explains, "the new leader gave the Green Gang and its most prominent leader, Du Yue-sheng, free reign in that city's underworld and the narcotics trade."

Schulte-Bockholt argues that the entrenchment of criminals in positions of power is not irreversible. Citing the example of the Medellin Cartel, he notes that if the services of the criminal element "are no longer required, or if perceived as a threat, elites can and do turn against organized crime using the power of the state" (Schulte-Bockholt, 2001, p. 238).

The symbiosis of legitimate and criminal structures is one of three possible endpoints in the development that Schulte-Bockholt envisions. Another endpoint is the suppression of organized crime by a totalitarian regime, which itself is criminal and uses criminal methods, such as Fascist Italy and Nazi Germany. In the six-fold typology presented in Figure 13.4, these would be extreme cases of Type 4, elite-based criminal networks. The third-end scenario outlined by Schulte-Bockholt is "the control of the state by organized crime . . . a criminal elite bent on enriching itself, with the power of the state at its disposal" (Schulte-Bockholt, 2001, p. 236). Lupsha describes a similar worst-case scenario of criminals taking over the state, though in much more colorful detail:

In the long term the destabilizing effects of transnational organized crime can lead to delegitimization of the regime and the opening of Pandora's box of evils. Penetration of the legal system and legitimate sectors by organized crime tilts the scales of justice, unbalances the economy, eliminates the rule of fairness, and tilts the playing field against ordinary citizens. In the long term, criminal impunity creates political immunity that leads to fear, intimidation, oppression, violence and tyranny as the state becomes criminal and illegitimate. The end result is the rupture of civil society and community. (Lupsha, 1996, pp. 43–44)

The case of Colombia served Lupsha as a blueprint for this admonition. In hindsight it may serve better to stress the argument that the developmental pathways of organized crime are not one-way streets and that countermeasures can be successful, at least to some extent (see Chapter 14).

THE BIG PICTURE OF ORGANIZED CRIME: SUMMARY AND CONCLUSION

This chapter has attempted to sketch the big picture of organized crime by bringing together the various facets of this elusive concept within one conceptual framework. What had to be done first is to reemphasize how greatly the phenomena vary that fall under the umbrella concept of organized crime. These variations have been highlighted across five key dimensions: activities, structures, and governance, as well as the illegal-legal nexus and the individual organized criminal. At the same time, numerous interdependencies could be pointed out between the nature of illegal activities, the nature of criminal structures, the nature of illegal governance, the social context, and the personal characteristics of criminals.

The second step in sketching the big picture of organized crime has been to review models that systematize these variations and interdependencies. Given the fragmented nature of current knowledge about organized crime, however, these models cannot go beyond an abstract representation of very general statements about the organization of crime and criminals. They fall far short of coherent theoretical models with which one could explain and simulate the complex mechanisms that produce and shape concrete organized crime phenomena.

The third step in sketching the big picture has been to systematize typical constellations in which organized crime phenomena manifest themselves. This has been done first in a static way with a six-fold typology that identifies different scenarios dependent on the social position of criminal networks. Finally, typical constellations of organized crime have been discussed in a dynamic way as stages in developmental processes. These developmental processes are described in the literature as processes of structural growth, consolidation, and sophistication, and as processes of approximation between underworld and upperworld.

The most likely worst-case scenario, it seems, is an alliance between political, business, and criminal elites. In this scenario, upperworld elites draw on criminal elements as soon and as long as it is necessary for them to maintain their own power. All cases of underworld-upperworld alliances discussed in this book, for example, the cases of the Cali Cartel, of the Sicilian Mafia, and of the Stern Syndicate in Wincanton (see Chapter 11) seem to fall into this category. These cases arguably are the result of a failure of law enforcement and of civil society as well as a result of the corruptness of upperworld elites.

Totalitarian regimes like that of Fascist Italy and Nazi Germany represent historical examples of criminal rule that does not rely on underworld support but rather on the support of upperworld elites and the resources of the state, while the underworld is ruthlessly suppressed. Such criminal regimes are attributable to a failure of civil society rather than to a failure of law enforcement, and they are a product of the corruptness of upperworld elites. The third worst-case scenario, the domination of society by the underworld, best fits the situation in so-called failed states where a functioning state apparatus does not exist and where crime may well be the most important sector of the economy.

For most of the world, it seems safe to assume, the problem of organized crime is primarily a matter of the consolidation and sophistication of criminal structures and of the formation of alliances of convenience between underworld and upperworld, where the criminal element remains in a subservient role. These processes are not deterministic. There are different pathways along which the organization of crime and criminals can develop, and the development can halt at some point and regress. In fact, rather than a development from bad to worse, the most typical trajectory of organized crime over the long run appears to be the waxing and waning of consolidated, powerful criminal structures. Some of the factors that influence the development are intrinsic, such as the individual capabilities and ambitions of organized criminals. Other factors are the social, political, and economic conditions that create crime opportunities and produce a pool of motivated criminals. But there is no scenario where it would not matter how government and civil society respond to the organization of crime and criminals. Any modeling of organized crime without taking the effectiveness of policing and civil vigilance into account would be incomplete. This will be the subject of the next and last chapter in this book, Chapter 14, which discusses countermeasures against organized crime.

Discussion Questions

1. What would organized crime be like if it were dominated by women?
2. What is the most common constellation in which organized crime phenomena manifest themselves?
3. Pick a country and discuss the most likely future development of organized crime?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to the importance of individual characteristics.
2. Analyze the autobiography of an organized criminal with a view to the development of organized crime phenomena over time.

*Further Reading**Comprehensive Discussions of Organized Crime*

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CHAPTER 14

Countermeasures Against Organized Crime

INTRODUCTION

This chapter provides a systematic overview of what is being done about the phenomena that are variously labeled organized crime and that have been discussed at length in the previous chapters. The different types of countermeasures will be examined with two questions in mind:

1. What is the nature of the measure?
2. How are criminal activities, criminal structures, and illegal governance affected by the measure?

Given the social embeddedness of criminal activities and criminal structures (Chapter 9), a broad range of socioeconomic policies could qualify as measures against organized crime (Bjørge, in press). For example, programs to reduce poverty, unemployment, and discrimination may reduce the appeal that joining a criminal organization has for young people (see Reuter, 1995, p. 96). It is beyond the scope of this book to comprehensively discuss the effects of general socioeconomic policies on organized crime. The same applies to the controversial debate on the actual and potential effects of the decriminalization of illegal goods and services on organized crime (see, e.g., Demleitner, 1994; Dombrink, 1981; Huisman & Kleemans, 2014; Spapens, 2013; Watt & Zepeda, 2015; Weatherburn, 2014; Wodak, 2014). Instead the focus here is on measures that explicitly and specifically target organized crime phenomena.

Most countermeasures fall in the category of criminal justice responses to organized crime. Within this broad category some measures pertain to *substantive criminal law* and have to do with broadening the scope and severity of punishments for organized crime related conduct. Other criminal justice measures pertain to *procedural criminal law* and to policing and have to do with increasing the likelihood that organized criminals are brought to justice, namely, by facilitating the collection of evidence.

Under the banner of combating organized crime, there have also been significant changes in the organization of law enforcement. Specialized units have been formed within police and prosecutorial agencies, and entirely new organizations devoted to the fight against organized crime have come into existence—for example, the police agency of the European Union, Europol. These organizational changes have gone hand-in-hand with the creation and networking of specialized databases for the processing and analysis of information relating to organized crime.

Criminal justice responses to organized crime, generally speaking, increase the risks for organized criminals both in terms of increasing the *likelihood* of arrest and conviction and in terms of increasing the *severity of the consequences* of arrest and conviction, for example, in the form of long prison sentences and the forfeiture of criminal assets. Beyond these straightforward effects, criminal justice measures can have other more or less direct consequences. They can make it more difficult in practical terms to carry out illegal activities. For example, laws that restrict access to precursor chemicals for the production of methamphetamine and that make the unauthorized handling of these chemicals a crime have forced illegal producers to go through additional efforts, such as producing precursor chemicals themselves (Shukla et al., 2012, p. 430). Criminal justice measures can also hamper the formation, maintenance, and expansion of criminal networks. For example, the use of electronic surveillance limits the ability of criminals to safely communicate with other criminals, and the use of informants and undercover agents forces criminals to invest more time and energy into screening potential accomplices.

Aside from the criminal justice system, governments have adopted administrative measures to curb organized crime. For example, licenses for operating a business may be revoked if it becomes apparent that the business is used for illegal purposes, or such licenses may be denied in the first place if the applicant is believed to have links to organized crime.

Arguably, governments bear the main burden in combating organized crime. However, private citizens, businesses, the media, and civil society as a whole can play an important role in setting limits to the organization of crime and criminals as well. Many nongovernmental initiatives to combat organized crime center on raising awareness—for example, by publicly exposing criminals and their links to politics and business. Where criminals have acquired positions of power, strategies of civil unrest and civil disobedience may be adopted by citizens in resemblance to political protest movements.

SUBSTANTIVE CRIMINAL LAW AS AN INSTRUMENT AGAINST ORGANIZED CRIME

It has long been lamented that traditional approaches to crime control are not effective against organized crime. Prosecuting individual organized criminals for committing individual crimes is considered difficult for a number of reasons. First, the clandestine nature of organized criminal activity and the absence of direct victims in many cases tend to leave crimes undetected. Second, individual

responsibility is hard to establish where numerous coconspirators and co-offenders participate in a criminal endeavor. This is especially true for bosses, kingpins, and financiers who stay in the background and are not involved in the actual commission of crimes. Finally, at least the stereotypical organized criminals use violence, intimidation, and corruption to discourage witnesses from testifying or to derail the criminal justice process in other ways. And even if individual organized criminals are convicted on traditional charges, such as drug trafficking, illegal gambling, extortion, or murder, the assumption has been that this does not get at the root of the problem. Arresting and convicting an organized criminal here and there still leaves the underlying criminal structures intact. Organized criminals may continue to operate illegal enterprises from within prison, where often enough they only have to serve short sentences; or an incarcerated organized criminal may easily be replaced by another who moves up the ranks. One solution to these problems has been to make substantive criminal law a more potent weapon against organized crime by using existing criminal law more effectively and by amending and adding to existing criminal law.

Innovative Use of Conventional Criminal Law

Very early on, attempts have been made to use conventional criminal law in innovative ways to go after organized criminals. Famously, tax laws were applied in the United States against Prohibition Era gangsters who were charged with evading taxes by not declaring their illegal income from selling alcohol (Funderburg, 2014, pp. 121–122). In the 1960s, the U.S. Department of Justice launched a campaign against organized criminals that entailed detecting any wrongdoing, no matter how trivial or unrelated to organized criminal activity, to obtain convictions. In one case, the search of the home of a Chicago gangster resulted in charges of violating the Migratory Bird Act because 563 mourning doves had been found in a freezer, far above the legal limit of 24 (Goldfarb, 1995, p. 62). Apart from these efforts to make more exhaustive use of existing criminal law, the focus has been on increasing the severity of sanctions imposed on organized criminals and on creating new offenses that better capture what organized criminals do.

Expanding Criminal Penalties for Organized Criminals: Criminal Forfeiture

In accordance with the notion that organized crime is more serious than non-organized crime, a straightforward criminal law response to organized crime is to institute more severe penalties for the types of crimes that organized criminals are believed to commit, such as drug trafficking, human trafficking, and illegal gambling. This means, first of all, that higher mandatory (minimum) prison sentences and higher maximum prison sentences are implemented and that the portion of prison sentences that has to be served before a convicted organized criminal becomes eligible for parole is extended (Campbell, 2013).

The antimafia movement in Sicily provides an example for a more sustained campaign against organized crime. Initially, in the years after World War II, civil society's struggle with the Mafia was largely a matter of communist-led peasants fighting for land reform against an alliance of landowners, politicians, and mafiosi (Schneider & Schneider, 2001, p. 429). Then, as mafia violence against representatives of the state escalated, the social base of the antimafia movement widened considerably. Key events that aroused antimafia sentiments were the murders of Pio La Torre and Carlo Dalla Chiesa in 1982 and the murders of Giovanni Falcone and Paolo Borsellino in 1992 (see Chapter 11). One visible sign of success of the movement was the election of Leoluca Orlando, a pronounced opponent of the Mafia, as mayor of Palermo in 1985 and again in 1993, this time as the candidate of a newly formed single-issue antimafia party (Schneider & Schneider, 2001, p. 439).

Since the early 1980s, a number of organizations and grassroots-level initiatives have sprung up to attack the Mafia and the culture within which it is embedded. For example, on the night of Falcone's funeral, three sisters and their daughters, later dubbed the Committee of the Sheets (*Comitato dei Lenzuoli*), hung sheets with antimafia slogans from their balconies in Palermo and later distributed a pamphlet entitled *Nine Uncomfortable Guidelines for the Citizen Who Wants to Confront the Mafia*. In this pamphlet, the "committee" called on citizens to report corruption, extortion, and favoritism and to educate their children in a spirit of civic engagement (Jamieson, 1999, p. 131; Schneider & Schneider, 2001, p. 440).

Another example of a grassroots initiative against the Mafia is *Addiopizzo*, a community of consumers and businesses seeking to reduce the prevalence of protection payments (Partridge, 2012). Beginning in the mid-2000s, *Addiopizzo* has been publishing lists of businesses that publically declare not to pay protection money to the Mafia and lists of consumers who pledge to shop in stores that openly denounce Mafia protection (La Spina, 2008; Partridge, 2012). The initiative seems to have had a deterrent effect insofar as collectors of protection money, according to one mafia turncoat, stay away from businesses that belong to *Addiopizzo* (Partridge, 2012, p. 348). On the other hand, the reach of *Addiopizzo* has remained limited. Member businesses tend to be prevalent only in the better-off parts of Palermo, and consumer activists typically come from the younger, well-educated segments of society (Partridge, 2012, pp. 357–358).

This hints at a general problem of civic and political movements against organized crime. It is difficult to eradicate criminal practices and criminal structures that are deeply entrenched in the social, political, economic, and cultural fabric of society. This is especially true where people find their livelihood depending on organized crime, as in the case of business owners who profit from criminal protection or in the case of individuals who derive an income from illicit activities. Measures against organized crime, in order to be successful in the long run, need to secure sustained public support. For this to happen, countermeasures need to include functional alternatives to the benefits that especially the disadvantaged segments of society derive from the existence of illegal markets and illegal governance (Abadinsky, 2013, p. 35; Partridge, 2012; Schneider & Schneider, 2001).

COMBATING ORGANIZED CRIME: SUMMARY AND CONCLUSION

This chapter has attempted to provide a systematic, though not exhaustive, overview of what is being done to counter organized crime. The main emphasis has been on the role of government and in particular the criminal justice system. Other responses to organized crime that have been discussed include administrative approaches, namely the use of licensing systems, to reduce the influence of organized criminals, and situational approaches to reduce opportunities for criminal activities and offender networking. Finally, the role of civil society in the fight against organized crime has been discussed, focusing primarily on grassroots initiatives against the Sicilian Mafia as an illustrative example.

Because of the multifaceted nature of the phenomena that are subsumed under the term organized crime, there cannot be one universal remedy. The various countermeasures that have been devised and implemented address different components of the overall picture of organized crime (Chapter 13). Some measures aim at the social embeddedness and the social support base of criminal activities, criminal structures, and illegal governance. One example is provided by the *Addiopizzo* campaigns against Mafia protection. Other measures likewise seek to create a less compliant and more hostile environment for organized criminals. The anti-money-laundering regime, for example, has made it difficult for organized criminals to enlist the help of banks and other businesses in managing and protecting illegal funds.

The formation and maintenance of criminal structures is hampered by a variety of measures. Laws that criminalize involvement in criminal organizations increase the stakes of co-offending and criminal association. Investigative techniques, such as the use of informants and undercover agents, sow distrust and suspicion among criminals; and witness protection programs increase the likelihood of defection from criminal collectives. Criminal collaboration is further hampered by the continuously improving ability of law enforcement agencies to monitor the communication and movement of criminals. These investigative tools increase the risk of detection and conviction for a criminal as a direct result of the interaction with other criminals. Some measures even have an immediate effect on the networking of offenders, such as court orders under Australia's laws against criminal organizations. These orders can, for example, prohibit any contact among the members of an outlaw motorcycle gang.

Organized criminal activities are affected by situational prevention measures that reduce crime opportunities. Administrative measures that deny organized criminals business licenses and access to public contracts can have a similar opportunity-reducing effect. The actual operation of criminal enterprises and the functioning of illegal markets as well as the exercise of illegal governance are vulnerable to surveillance and undercover policing, just like the networking and interaction of organized criminals more generally.

How effective these measures are and to what extent their negative side effects, for example, in terms of the impact on privacy and civil liberties, outweigh their benefits is difficult to say. What seems certain, however, is that a functioning criminal justice system as part of a government that enjoys a high degree of legitimacy in combination with a vigilant civil society leave little breathing room for organized crime.

Discussion Questions

1. What type of countermeasure is most effective against organized crime?
2. Should informants and undercover agents be allowed to commit crimes?
3. Are witness protection programs similar to WITSEC feasible in all countries?
4. Can investigative tools such as electronic surveillance and undercover agents be used as effectively against organized corporate criminals as against drug trafficking or the Mafia?

Research Projects

1. Analyze the autobiography of an organized criminal with a view to personal experiences of the effect of countermeasures against organized crime.
2. Explore the existence of special units against organized crime in a particular police agency.
3. Select a local organized crime problem and devise a comprehensive prevention strategy.

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